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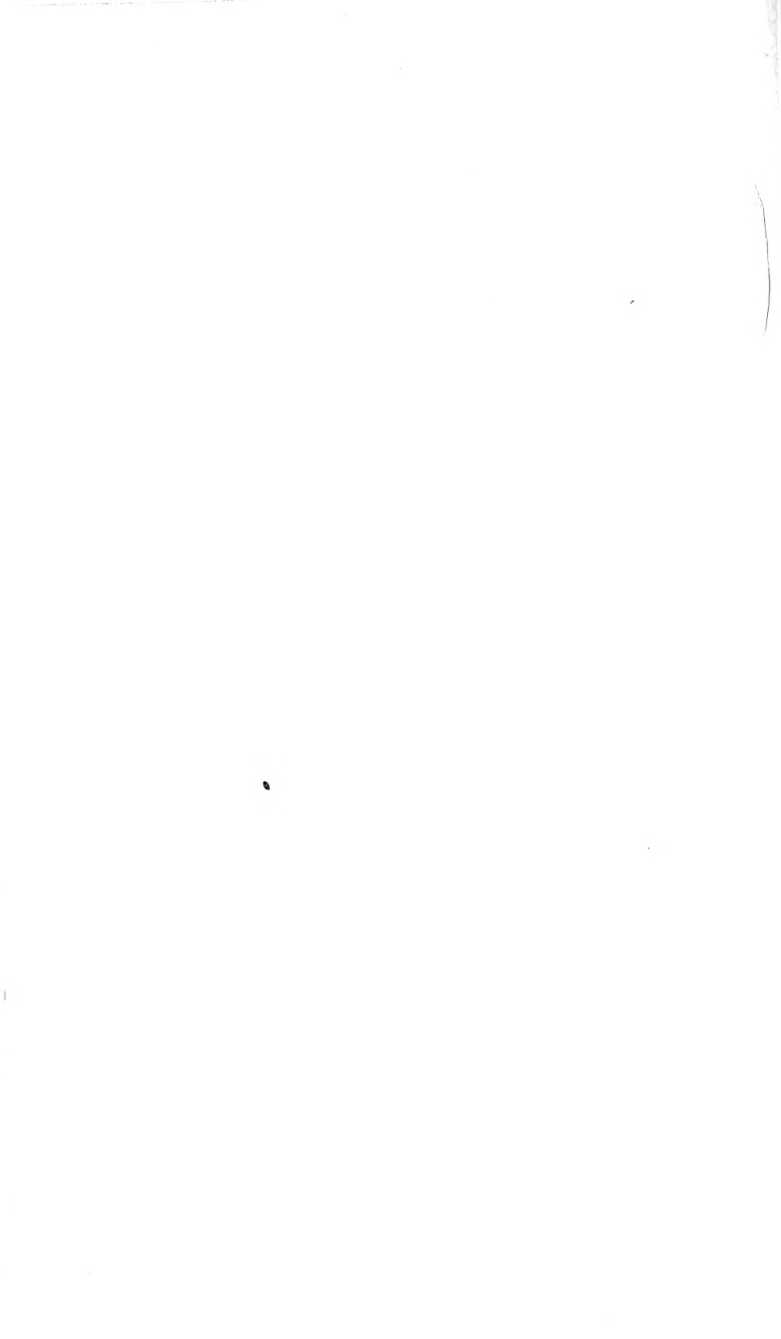
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VOLUME III., NEW SERIES





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VOLUME III., NEW SERIES

THE HONOR AND FOREST OF PICKERING

(EDITED BY ROBERT BELL TURTON, BARRISTER-AT-LAW)

LONDON  
PRINTED FOR THE SOCIETY

1896

PRINTED BY  
WOODFALL AND KINDER, LONG ACRE  
LONDON

1433908

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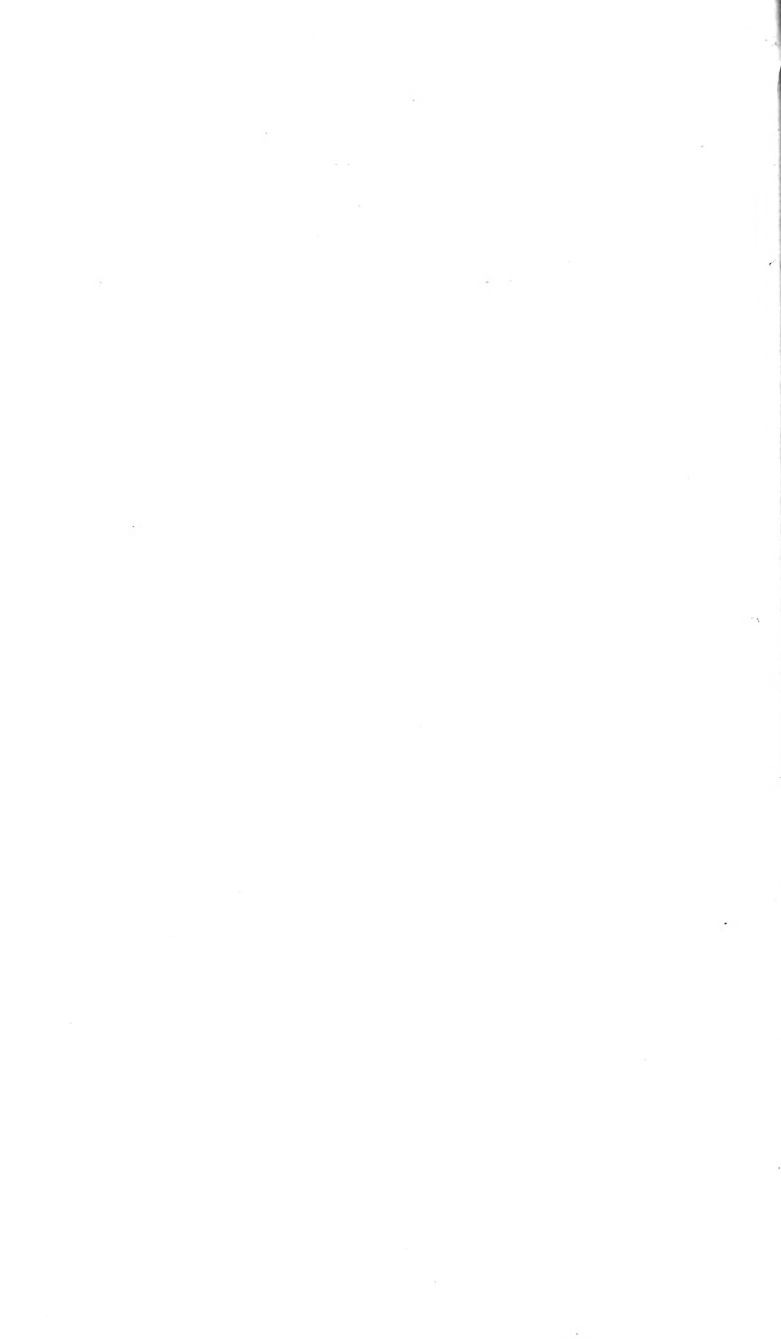
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## ERRATA.

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- Page 25, line 30, for *Thomas Vicar* read *Thomas, Vicar*.  
,, 37, ,, 2 from bottom, for *Majorie* read *Marjorie*.  
,, 47, ,, 26, for *Ebberton* read *Ebberston*.  
,, 54, ,, 4 from bottom, for *Falwood* read *Fullwood*.  
,, 92, ,, 21, for *allocatur* read *allocetur*.  
,, 140, ,, 12, for *quiete* read *quieti*.  
,, 144, ,, 7, for *possunt* read *possint*.  
,, 195, note, for *tollage* read *tallage*.  
,, 197, line 8, for *evacuatur* read *evacuetur*.  
,, 214, ,, 32, for *judgments* read *judgment*.  
,, 214, ,, 39, after *has* insert *not*.  
,, 216, ,, 15, for *Sancti* read *Sancte*.  
,, 218, ,, 9, for *quendam* read *quendam*.  
,, 219, ,, 33, after *from* insert *him*.





## INTRODUCTION.



ONE or two matters in the preceding volumes call for note. At Vol. I., N.S., p. 209, the word *taverned* gave me some trouble. I have since found the explanation of it at Surtees Society, Vol. XXII., p. 18. It means to *let or lease*.

There is also a correction that I would wish to make at Vol. II., N.S., p. xxv. In mentioning that Edward II. was after his deposition committed to the custody of Henry, Earl of Lancaster, I referred to Pontefract as the Castle in which he was confined; this should have been another of the Earl's castles—namely, Kenilworth, from which the King was afterwards removed to Berkeley Castle, where his death occurred.

The second Series of the Records is now rapidly drawing to a close. Unless there is an unexpected increase to the number of our members the next volume will be the last; but to some extent this will be appropriate, since it will conclude the Pickering Eyre. This being so, I will pass over the general features of this volume until I have an opportunity of reviewing the Eyre as a whole, and will, in this Introduction, merely call attention to one or two points that arise incidentally.

### THE OFFICERS OF THE FOREST.

At p. 242 I have printed one of the class of documents known as Ancient Petitions, which throws a considerable amount of light upon the state of the times. In the first place the petition suggests a doubt as to the legality of the grants of Pickering to the Earl of Lancaster after Simon de Montfort's death. Pickering was part of the Crown Lands, and while the inability to alienate Crown lands is not distinctly stated, the suggestion is made that the grant was temporary only, and until other lands of equal value could be provided for Edmund; a suggestion for which there is foundation in the language of the original grant to Earl Edmund. In this connection it must not be forgotten that it was not until the commencement of the reign of Queen Anne that an Act of Parliament (1 Anne, st. 1, c. 1) was passed, forbidding (by sect. 5) the alienation of Crown Lands. If

Pickering could in any way revert to the Crown, then it was the duty of the present possessor to keep it so that it could be restored in its original condition. This, the petition suggests, could not be done; encroachments are being constantly made, oaks are felled, game destroyed; things were far better when the Earl Marshall was forester in fee.

But what was far worse was the enormous power which the possession of such a forest gave to the Earl. He was in the position of a petty king; his own men fought for him against Sir Adam Banastre; nay, they followed him in his several rebellions against the King, and on his behalf they overawed Parliaments; but all this was venial. They went further: they compelled those who were tenants of the King to join the Earl's tenants and fight against their liege lord.

This is, I think, the meaning of the passage; within the district known as Pickering Lithe there were other fees besides the Lancaster fee (*see*, for instance, p. 195), and the Earl's officers compelled the men who held of these fees to join with those who held of the Earl. Although strictly in doing homage loyalty to the King was the tenant's first duty, and loyalty to his lord his second, yet there seems great probability that in practice the exact reverse was the usual custom, and it is certain that a great distinction was drawn between the case where a rebel simply followed his lord, and the case where he held directly from the King and rebelled against him.

The last complaint of the petition was against the foresters themselves. It was a complaint which was as applicable to foresters of the King as to foresters of the Earl; in the reigns of the Edwards the officers of the forest were they who scaled the ladder of fortune the quickest. Often strangers, like John de Monmouth, Roger de Leicester, Henry de Ripley, &c., they came, so the petition states, with nothing but their bows and arrows, and in a short time they had ousted the old families of Pickering, bought land, and settled there. This seems to me the most valuable portion of the petition as a picture of the times: historically, I doubt if it is of much value. I doubt if Simon de Montfort was ever Lord of Pickering, and if Roger Bigod, Earl of Norfolk, was ever forester in fee of anything beyond Scalby Forest, although, on the other hand, the suggestion, at p. 207, that his bailiff, Thomas de Ebberston (*see* Vol. II., N.S., p. 41) was also bailiff of Pickering, does bear out this suggestion. But as to the power of the foresters there can be little doubt. It is significant to note the intimate connection between the administration of law within the honor and the management of the forest. The constable of the Castle was usually bailiff of the liberty and keeper of the forest. Take, for instance, John de Dalton, whose fate it was

to serve in those troubled times. He is described (at Vol. II., N.S., p. 121) as the holder of the first and last office, and in the present volume (at p. 240) as the holder of the second. At the earlier passage it was his duty to account for all deer killed and oaks felled during his term of office; at the later passage he had to execute arrests. The rents and other payments due to the Earl passed through his hands as bailiff and receiver (*see* Vol. II., N.S., p. 14); while as bailiff it was also for him and not for the sheriff to serve all writs and summonses within the precincts of the liberty.

The connection existed not only in respect of the chief officers, but also of the subordinates. At p. 213, *infra*, there is a list of the bailiffs of the Earl of Lancaster, who distrained the beasts of Sir Robert de Scarborough. Referring to the other places in the two volumes where the same names occur, it seems probable that they were all foresters and under-foresters.

It is obvious that this connection between law and hunting gave an enormous importance to the position of a forester. Not satisfied with the wages which they were paid (*infra*, p. 15), their constant endeavour seems to have been to have established their right to those perquisites which in other forests pertained to foresters. To one of these—namely, *puture*, I have often referred. This word occurs twice in the volume with a slightly different meaning. At p. 225, it is used to denote the keep of a greyhound, and at p. 227, for food provided for the poor. Elsewhere it is used to denote the right that foresters claimed to compel the inhabitants to keep *gratis* them and their servants on board for a certain number of days in each year. This custom is referred to in the Introduction to the “Year Book” (11–12 Ed. III., “Rolls Series,” p. xxiv, 269–275), and also in the Coram Rege Roll, Hil. Term, 6 Ed. III., m. 31, with regard to Inglewood Forest.

The case in the Year Book was a claim by the forester of Inglewood against the Abbot of St. Mary’s, York. He claimed food and drink at the table of the Abbot’s grooms, on Friday in every week, together with the right to carry away, whenever he pleased, a flagon of the best ale in the abbot’s cellar, and two tallow-candles from the abbot’s chamber, a bushel of oats for his horse, and a loaf of black bread for his dog.

I do not think that this custom ever obtained any foothold at Pickering, although we constantly find cases (*see* p. 15, *infra*) in which foresters were attempting to set it up, and it was probably to provide against the success of any such attempts that we find the Prior of Malton, at p. 104, the Prior of Ellerton, at p. 108, and the Dean and Chapter of York, at pp. 128 and 155, all claiming to be exempt from

it. At p. 236 a similar custom is stated to have lately arisen in the forest of Galtres. At p. 245 of the Surtees Society, Vol. LXXXIII., we have an interesting notice of the apparent existence of the custom in the neighbouring forest of Westerdale, as John de Eure released the Abbey of Rievaulx from providing it. The date is probably that of the fourteenth century. Closely allied to the claim to have puture is the claim to collect sheaves (p. 15), as well as the claim referred to in Vol. I., N.S., p. 222, to collect hens. The tendency of the foresters to extort such presents, as a matter of right, from those residing within their jurisdiction was dealt with not only in the "Carta de Forestis" (sect. 8), but also subsequently by the Act 25 Edw. III., c. 5, sect. 7.

Another perquisite to which attention should be called is the claim when trees were given to the tenants of a manor for building purposes (housebote), &c., to have the bark and the strippings. This claim is made, at p. 82, by the foresters in fee, William de Percehay and Parnell de Kingthorpe, and allowed; but as to trees felled for the use of the Earl the verdict, while admitting that they had been in the habit of enjoying the privilege, found that it was a mere matter of favour and not of right. A similar claim, limited to the Manor of Ebberston, was made by Robert Wyerne and Thomas Thurnef, and allowed (p. 122, *infra*). At first sight this claim does not seem to have any connection with any forest office; on the contrary, it is claimed as appurtenant to the Manor of Ebberston; Robert Wyerne was the grandson of a former verderer, and Thomas Thurnef was then a regarder, and afterwards bailiff, of Pickering. The claim was allowed, but proceedings were subsequently taken by Sir Robert de Scarborough and his tenant, Thomas White, to set it aside (p. 198). I have collected from the Coram Rege Rolls a series of extracts relating to the quarrel, but it is extremely difficult to get to the bottom of the story. Who Sir Robert was I cannot say; there was a judge of that name, and he may have been this man. If he was, it appears clear (*see* pp. 218, 219) that his judicial office was no obstacle to his entertaining a natural and deep-rooted objection to paying his taxes. It may have been from this cause, but more probably from some dispute about bark, that proceedings were taken by Robert de Wyerne and Thomas Thurnef against Sir Robert in the Wapentake Court of Pickering by an action of fresh force (which corresponds to an assize of novel disseisin in the King's Court, *see* Pollock and Maitland, Vol. I., p. 628).

It is a pure hypothesis, but it may be that Sir Robert had refused to give up the bark of some trees delivered to him, and Robert Wyerne and Thomas Thurnef alleged that they had been disseised of their

franchise, and took action in the local court. Here the allowance of the claim in the Forest Eyre was an absolute bar to Sir Robert; judgment for £5 was given against him, and his only course was to take proceedings in the King's Bench to quash the claim.

The proceedings took the form of *scire facias ad audiendum errores*, the usual course taken in order to reverse a judgment that had been given, and it is a matter of considerable regret to me that I have not been able to discover what the result of the proceedings was.

At first Sir Robert appears to have admitted that there was a manor of Ebberston, and that it was owned by Robert Wyerne and Thomas Thurnef; but he denied that any owner of the manor ever had the right to appoint a woodward; nay, more, that any wood belonged to the manor (both which claims had been made by the joint lords of the manor). As to the bark, the explanation is that while Thomas de Ebberston, a former owner of the manor, was bailiff of Pickering, out of fear a few of the smaller tenants gave him the bark of trees supplied to them for housebote, &c. Afterwards these proceedings were dropped and fresh initiated, in which Sir Robert took even stronger ground. He maintained that there was no Manor of Ebberston at all, that what was so-called was simply a messuage, six tofts and crofts and two carucates of land. It is noteworthy that, at p. 16, Vol. II., N.S., Robert Wyerne, the grandfather, in the year 1313, paid a fine for entry upon his moiety of the land at Ebberston, described as late the property of Amery Gegge, under a somewhat similar description—namely, one moiety of a messuage and five and a-half oxgangs. How the five and a-half oxgangs had increased to one carucate needs consideration. That the bulk of the property was the same is probable from p. 123, where the title to the manor is set out, namely, that Thomas de Ebberston enfeoffed Amery Gegge of one moiety, and Amery Gegge enfeoffed Robert Wyerne, the grandfather of the claimant.

It appears from the Year Book (*see post*, p. 203) that a question arose to the rights of Sir Robert and his tenants to sue on behalf of the commoners. Unfortunately the case only appears in the printed edition of the Year Book, and I have not been able to find it in any of the MSS. (either in those in the British Museum or in Lincoln's Inn), while Mr. L. O. Pike, who has been kind enough to help me in the matter, and whose edition of the Year Book for the Rolls Series is so well known, has been equally unsuccessful. He suggests that most probably there were other MSS. from which the printed book was compiled, and which have since been lost, or it is also possible that the case does appear in one of the MSS. now extant, but that in the printed edition it has been transposed to a wrong year. As printed,

there appear to be obvious errors, and though I have suggested corrections, not being able to collate it with any MS., I cannot feel sure that my conjectures are right.

The ordinary rule in later days applicable to *scire facias in errore* was that all parties against whom judgment was given ought regularly to join in Error (*see* "Comyn's Digest," *tit.* Pleader 3, B. 9). The difficulty seems to have been to ascertain against whom the judgment in Eyre must be considered to have been given. That the allowance of the claim injured the commoners there could be no doubt, but it appears by no means clear that the commoners could have appeared personally at the Eyre and been heard to object to the claim. The argument, however, of Skipwith, counsel for Robert Wyerne and Thomas Thurnef, was that in the reverse case, if the commoners had wished to make a claim, all must have claimed, and not two on behalf of the rest. The judgment does not, however, appear to adopt this view. Mr. Justice Bankwell suggests that the argument was unsound in a case where the Forest Laws were applicable, although it might be otherwise in the case of land outside a forest.

I shall have occasion later to refer to these proceedings; at present it is only material to call attention to the allegation that from a mere casual gift, arising out of fear and a hope to curry favour, a prescriptive right was sought to be established.

We meet with a similar feature (*see* p. 115, *infra*) in the case of Langhowdale, or Langatdale Wood, which, so far as I can identify, lay between Pickering and Ellerburn, and possibly is that now marked on the Ordnance Map as Howedale Wood (*see* Vol. I., N.S., p. 98). Sir Ralph Hastings claimed this wood as his own; but if the verdict of the jury is to be relied on, he had no right to it; his claim being simply based upon a payment of a penny or a halfpenny a week which his woodwards extorted from poor folk who gathered wood without being entitled to do so. From Vol. I., N.S., pp. 28 and 97, it is quite clear that this wood belonged to the Duchy in the seventeenth century.

But it was not only by their pretensions to rights and perquisites that the foresters made themselves so detested: at pp. 13 to 15 we find a number of offences presented against them. Their servants extort money from people who pass through the forest, though whether the offence consists in taking the money, or in the fact that it was by persons who had not been duly sworn, is not quite clear. The same remark applies to the offence that is next mentioned. It may be that it was wrong for foresters to seize cattle of one township that had merely strayed on the waste of another township, both being within the forest, or it may be that the impounding should have taken place

within and not without the forest. But what is material is that in either case an injury had been done to the inhabitants by a forester, and, moreover, by one whose name (Robert de Wigan) denotes that he, or some near ancestor, had migrated from some other part of the possessions of the Earls of Lancaster.

Too great stress should not, of course, be laid upon these extortions as if they were peculiar to forests; it was an age, as the *Coram Rege* Rolls of the period show, when officers misused their power; but I must not conclude without referring to the charges against the bailiff of Pickering, referred to at pp. 217 and 219, of having extorted the sum of £1 from a man whom he had arrested.

Closely allied with the right of receiving bark and strippings from felled timber was the right of having the dry branches after they had been cut and the leaves used for food for the deer in winter—in other words, *cablicia* or browse-wood. It was the foresters in fee (*see* p. 84) who claimed and were allowed this right. It was a right which could very easily be abused. At p. 23 we have an offence for which Sir William de Percehay, one of the foresters in fee, was fined 13<sup>s</sup> 4<sup>d</sup>; and which appears to have consisted in cutting down larger branches than was either necessary or lawful.

In the Articles of the Court of Eyre, in Waltham Forest (A.D. 1634), (Harl. MSS., No. 68, 39, fol. 261), inquiry is, by Art. 43, directed to ascertain "If anie forester or keeper browseth any mast boughes of greate oakes in winter more for his own gaine than for sustenance of the deer."

At the same time the claim must be read in connection with the claim of John de Melsa (pp. 1, 111 and 158) to make charcoal out of this same browsewood; and of the Dean and Chapter of York (p. 127) to take browsewood within the township of Pickering. As to this last, I am by no means sure that I exactly apprehend what it means. It is possible that the claim is simply to take browsewood when required for housebote and hedgebote. From Vol. I., N.S., pp. 29, 34 and 181, we learn that at a later date the right of the foresters in fee to this browsewood was disputed, although they appear, notwithstanding, to have appropriated and sold it.

#### WOODS.

HAVING regard to the difficulty under which the ordinary man laboured in early days with the means then at his disposal in his attempt to take game, it is not probable that the severity of the forest laws in respect of poaching offences pressed quite so heavily on the lower orders as writers are often in the habit of maintaining. In a preceding volume I have called attention to the fact that for the most part the offenders

were persons of standing in the district, or their servants on their behalf. The woods stand, however, in a different position. There can be little doubt that the effect of the forest laws upon them caused far more than a mere sentimental grievance, and that it was of particular importance whether or no a wood was, or was not, "quit of regard." We have traces of four classes of woods within Pickering Forest—(1) Those owned by a township; (2) those owned by an individual; (3) those owned by the Earl, in which there were rights of common; and (4) those owned by the Earl in which there were not: but it is by no means certain that the first and second class were distinct. We may possibly have merely two different methods of describing the same class of wood.

Whether the wood belonged to the Lord of Forest, or whether it belonged to an individual, unless it was "quit of regard," or unless there was some special custom to authorise it, no tree could be felled in it; at Vol. II., N.S., p. 242, we have seen that Kingthorpe Wood, which belonged to Roger de Mansergh, was valued at nothing, because it lay within a forest. It is therefore, at first sight, difficult to appreciate wherein the exact difference lay in the method of exercising rights over the woods of the first three classes. An inquisition (printed at Vol. I., N.S., p. 1) was taken in the year 1251, before the date of the grant to Earl Edmund, and the several rights of the tenants of Pickering are set out in detail. They enjoyed the right of gathering dry sticks for fuel without view of the foresters, and they were entitled to have wood delivered to them by the foresters for their houses and hedges, and the repair of their ploughs.

Speaking generally, it appears from the record of the Eyre that at its date the several tenants within the forest were in possession of similar rights over all the woods within the ambit of the forest. It has already been seen that the livery by the foresters was often made the occasion by the foresters of obtaining some advantage for themselves; where there was livery of housebote, the trees so delivered could only be used within the forest; it was an offence to sell them, it was equally an offence to carry them outside (*see* pp. 14 and 15, *infra*), hence we can understand the importance of the question whether housebote could be taken without livery.

Gilbert de Aton was presented (pp. 11 and 22) for having taken wood for housebote out of certain woods in Troutsdale, and for having sold trees out of it; he claimed that he was justified (pp. 98 and 153) in doing so, on the ground that the woods in question were "quit of regard." The jury admitted his claim as to part, but after having had a view of the place they found that he was encroaching to the north, and was claiming a larger area than he in fact possessed. The place-



names have in part vanished, and possibly in part changed their positions (for instance, Apple Tree Keld); it is difficult to say exactly to how great an extent the claim was unsuccessful; but the general position of the wood can be traced. Before leaving this claim I would refer to *psallerint* (p. 154), which is the word used to denote the giving, or singing, of the verdict by the Jury. Sometimes, as in the claim of Thomas Wake (at p. 149), in respect of Holtwaitbank, and as in the claim of Scarborough (p. 172), in respect of Falsgrave, we have a claim that a distinct locality is quit of regard; sometimes, as at pp. 107, 141 and 144, we have claims by the Prior of Ellerton, and the Prior of the Knights of St. John, that all their woods wherever situated are so quit.

A right, of which lords of manors appear at all times to have been most tenacious, is that of appointing woodwards. Again we are left in some doubt wherein the advantage consisted. The contest appears to have been, if we may take Robert Wyerne's case, before referred to, as a typical instance, between an individual and the township at large. Whether it was a mere right of patronage that was at stake, or whether larger issues were in question, must be left for future consideration. I have indexed the names of woodwards that occur, and also the claims that were made to appoint them; it is, therefore, only necessary to summarize them shortly. Sir John de Melsa appointed the woodward in Levisham; Nicholas, and afterwards Sir Ralph Hastings, in Allerston and Farmanby; the Prioress of Wykeham, in Wykeham and Ruston; Gilbert de Aton, in Brompton and Hutton Bushell; Robert de Wyerne and Thomas Thurnef, in Ebberston; Thomas de Pickering and his wife, in Lockton; and Henry de Percy, in Seamer. In addition, we find the woodward of the Prior of the Knights of St. John and of the Master of Staynton. The only other woodwards mentioned are the woodward of Thornton and of Thornton Riseborough. Possibly these woodwards might have been chosen by the township at large.

It is worth while to refer again to the case of the Ebberston woodward at p. 201. At first it will be noticed that Sir Robert pleaded that two or three of the most substantial persons in the township elected a woodward on behalf of the rest; it may possibly have occurred to the pleader that it might be difficult to maintain that Robert Wyerne and Thomas Thurnef were not two of the most substantial persons. At any rate, he amends his pleading, and at p. 207 describes the *election* as being by all the commoners, and the *presentation* by two or three in the name of the rest. This, however, raises the question how, in fact, did an election take place? It would be absurd to suppose that the modern method of counting heads and allowing equal importance to ignorance and learning, to poverty and wealth, to

strength and weakness, to enlightenment and obstinacy, ever prevailed. One would rather expect that by an instinctive acquiescence the election was virtually in the hands of the few important persons in each township, and that the amendment in the pleading connoted a verbal distinction only, and not a distinction in fact. There is a passage in Vol. IX., pp. 38, 39, of the Surtees Society describing the election of a Bishop. No doubt the distinction between the election of a Bishop in the twelfth century and that of a woodward in the fourteenth is very great; still it is important to observe that in neither case is there any suggestion made that the view of the majority could bind the minority.

In the earlier instance we are told that there are only three methods of election, by *scrutiny* or examination of each vote, by *compromise* and by *inspiration*, when a nomination is made beforehand. It appears, therefore, that unanimity, apparent or real, is necessary either amongst all the voters, or, in the case of an election by compromise, amongst the persons to whom the right of election is delegated.

To return to the question of the woodwards the following points seem established. He was a servant of the chief Lord, and in this respect analogous to a reeve; he was appointed by the commoners, and the commoners were to answer for him, but his duty was to protect the woods within the forests for the chief Lord. He was presented at the Court of Attachments (or possibly at the Swainmote Court), and he had to take an oath. His duties were in general confined to the trees alone; he was only to carry a hatchet; and though, in the case of the woodward of Henry de Percy (p. 168), he was allowed to carry a bow and arrows, that must be considered as an exception to the general rule.

The foresters, on the other hand, other than the Earl's foresters, seem to have been servants of such of the landowners as had rights of hunting. The forester of Brompton (p. 43), for instance, was probably the servant of Gilbert de Aton, who had (p. 99) the right of hunting hare, wild-cat and badger within the cultivated land at Brompton. Ralph de Hastings claimed the right to hunt fox and hare within the cultivated land at Allerston and Farmanby, a right which, as we saw at Vol. I., N.S., 170, his descendant, some hundred and fifty years later, considerably enlarged. The Abbot of St. Mary's, York (p. 118), claimed a general right of hunting fox and hare throughout the forests; and Thomas Wake (p. 149) a right of hunting fox, hare, wild cat and badger throughout the barony of Middleton; the foresters of these two latter are mentioned. I cannot find mention of the forester of Henry de Percy who claimed the widest right of all at Seamer (p. 164), namely, to hunt fox, hare, roedeer, wild cat and badger. The claim as to the roedeer was for a long time a matter of contention, as it had

been clearly proved that it was a forest offence to kill roe deer. However, eventually the claim was allowed—a result to which the connection by marriage between Henry de Percy and Earl Henry (*see* p. 164 *u.*), may have contributed.

The salary of the forester at Hovingham (p. 229) should be observed, as it no doubt represented the usual salary at that date.

Before concluding these remarks reference should be made to the claim (at p. 150) by Thomas Wake, to have livery of wood for himself and his tenants once a year at the next Attachment Court after Michaelmas. The claim was first disallowed because the Jury found that he ought to have it at every Attachment Court, and not only once a year: it was eventually amended and allowed. Why the mere fact of asking too little should be a ground for disallowing the claim is not at first sight apparent. Perhaps it was due to a spirit of technicality in the Judges, who considered that the claim and the verdict should agree word for word; or perhaps it was in order to endeavour to compel the attendance of the tenants at every Attachment Court. In the seventeenth century (*see* Vol. II., N.S., p. 3) the Swainmote Court was held at Michaelmas, amongst other times, and I was, therefore, at first under the impression that it did not exist under that name at the date of the Eyre, and that it was merely a development of the Michaelmas Attachment Court, which, from the claim of Thomas Wake, appears to have been of greater importance than the rest. Later investigation has, however, shaken my belief in this view. In a *Coram Rege* Roll a few years later than the Eyre, which I shall probably print in the next volume, there is a reference to the Swainmote Court by name, and it is not probable, though it is possible, that it acquired this name in the interval. It is, however, noteworthy that the Swainmote Court should not be once mentioned by name in the whole Eyre.

#### COMMONS.

IN the Inquisition printed at p. 1 of Vol. I., N.S., to which I have already referred, we learn that the tenants of the demesne land enjoyed common of pasture for all manner of animals except goats in all the woods other than Blansby Park and Dalby Hay. This may be taken as typical of the rights of common of pasture referred to in this volume. From pages 47 to 64 we have a list of cattle that had been seized by the foresters. It is impossible for me to say with even approximate accuracy what the offence in each case was. In some cases the cattle were pastured in the Earl's demesnes where no right of common existed, such as Dalby Hay and Blansby Park, to which probably Allantofts, Langdale, and Scalby Hay should be added. In others they were pastured in the fence month, namely, from fifteen

days before to fifteen days after Midsummer Day, when the deer were fawning and no one was allowed to walk in the forest for fear of disturbing them. Again, pigs were seized because they were not agisted and were pasturing in the mast season.

In the Inquisition above referred to it is said that no pannage was payable in respect of mast for pigs, but this custom must have been of very limited extent. In the East Ward it is quite clear that pannage was payable. Certain tenants of frank fee tenure, a tenure that in Ancient Demesne stood just above socage, claimed a right of pasturing their pigs without paying pannage. Most, like Robert Lambson (p. 95), limited their claim to the mast season, but Alan, the son of Alan of Cloughton (p. 117), and Adam de Burneston, clerk (p. 140), claimed to be quit of this payment throughout the year; the verdict found that no tenants, whether of frank fee or socage tenure, were ever quit of pannage during the fence month, and that all that the claimants could prove was to be quit during the mast season, *i.e.*, from 14 September to 18 November. In these two cases the claim was limited to Fullwood, Hayburn, Derneliff, and Little Cliff; the Prior of Bridlington (p. 125) extends his claims to the whole of Scalby, but the verdict found that he never was so quit in Scalby Hay. The importance of this lay in the fact that at pp. 47 and 48 the Prior of Bridlington, Alan the son of Alan and Robert Lambson, then called Robert the son of Lambert, were all presented because their pigs were found unagisted within the covert, which I take to be Scalby Hay.

The claim of the Dean and Chapter of York (p. 126) should be compared with the Inquisition, as by it they claim to be quit of pannage throughout the Manor of Pickering, and though their title rests on a deed couched in general language, the fact of non-payment since the date thereof was more probably their stronger point. They succeed (p. 155) in a similar claim as to Farnianby, Kingthorpe, and Ellernburn.

As a rule goats could not be pastured in a forest; the Prioress of Wykeham (p. 97), in her claim for common of pasture, expressly excludes goats, and when not mentioned they were tacitly excluded. We do, however, find two instances where claims to pasture goats were made and allowed; one (p. 99) by Gilbert de Ayton, and the other (p. 112) by Ralph de Hasting.

Where cattle were straying in unlawful places they were seized, and could only be replevied by their owners on payment of a fine. Such cattle, or the fines on seizing them, were known as *escapes*, and it was often a question of dispute to whom the escape belonged. At pp. 83 and 84 Parnell de Kingthorpe and William de Percehay, as foresters in fee, claimed the escapes in Dalby from Easter to Michaelmas, and in

Blansby Park throughout the year : namely, a penny a foot from every beast taken only once or twice ; the amount of the fine was the same in the seventeenth century (*see* Vol. II., N.S., p. 4). The verdict of the Jury is interesting as showing the gradual development of the forest. Formerly they said, before Blansby Park was enclosed, whenever a forester or woodward found an animal straying the fine belonged to him as part of the perquisites of his office, but this perquisite ceased on the enclosure of the Park. The same right also existed as regards Dalby Launde until a forester at fixed wages was appointed, when the rule was made that if the Earl's forester found such an animal presentment was made at the Court of Attachments, and the fine belonged to the Earl ; otherwise, if the forester in fee found it, he retained his old perquisite. In making their claims the foresters in fee each claimed the fine only if ward had not been made (*warda tamen inde non facta*). It is a phrase that has given me some difficulty, and I have made a short note on it, which can hardly be called satisfactory, at p. 47. In addition, I would refer to the Surtees Society, Vol. LXIX., p. 218, where the same phrase occurs.

A joint right to the fines for straying cattle also existed in the barony of Middleton. Thomas Wake (pp. 151, 152 and 160) claimed them, and it was found that he was entitled to them if his foresters were the first to seize them in the woods and moors, but not in the arable land, and if the Earl's foresters were the first to find them, then presentment was made at the Court of Attachments and the Earl had the fines. The claim at p. 152 is somewhat confused owing to the scribe of the Coucher Book having apparently misread *bestiis* on the Rolls for *boscis*.

#### BRIDGES AND ROADS.

In theory, if not in practice, every Englishman in person or by deputy was bound, amongst other things, to repair and maintain roads and bridges. In this respect the lands of the Church did not differ from those of the laity, and a gift in frankalmoign freed the lands so given from all services except those included in the *trinoda necessitas*. How the obligation to repair bridges was enforced up to the reign of Henry VIII. is not quite certain ; so far as roads were concerned the obligation seems principally to have been enforced by the Manorial Courts, who appear to have proceeded on a sort of general rule that those whose lands adjoin a highway ought to repair it—a rule which has occasionally been adopted in modern Acts of Parliament.

But however this obligation ought to have been enforced, there seems little doubt that in practice it was almost a dead letter, and had it not been for the Religious Houses the means of locomotion would have been even more difficult than they were. While we find few, if

any, cases in which the general common law obligation to repair roads and bridges is enforced, we do find a considerable number in which such an obligation, arising by reason of and as incident to the tenure of certain lands, is the subject of legal proceedings, but in nearly every case that I have met with the land was originally granted to some Religious House.

A very typical instance of this is the Inquisition taken by the Sheriff of Middlesex to ascertain whether the Bishop of Coventry and Lichfield ought, as Lord of the Manor, to repair the bridge at Hanworth, the proceedings relating to which are reported in the Year Book 14 Ed. III. (Rolls Series, p. 292). The jurors said that the bridge in question was one near a mill for the benefit of the miller only, and of his neighbours who wished their corn to be ground, but that it was not a bridge for the common passage of the men of the country; the Bishop therefore escaped liability. It is easy to see that what in its origin was a mere matter of favour in process of time is liable to be claimed as a right. As Sir E. Coke puts it ("Institutes," Vol. II., p. 700), "*Nota* if a bishop or prior etc. hath at once or twice of almes repaired a bridge, it bindeth not (and yet is evidence against him, untill he prove the contrary), but if time out of mind they and their predecessors have repaired it of almes, this shall bind them to it."

That occasionally grants of land were made to Religious Houses for the express purpose of providing for the repair of roads and bridges there can be little doubt. The history of the bridges at Stratford atte Bowe is too circumstantially told on the Coram Rege Roll of Easter 6 Ed. II., m. 95 (see "Abbrev. Placit.," p. 316), to be a pure fiction. We are told that Queen Matilda, wife of Henry I., originally built these bridges and made the road between them, and as she wished to provide for their repair and thought that that object would be better carried out by religious than by lay persons, she granted certain lands burdened with this obligation to the Abbess of Barking, which lands subject to their burden were afterwards transferred to the Abbot of Stratford Langthorne.

The connection of the Religious Houses with the repair of bridges and roads is considered at p. 35 *et seq.* of "English Wayfaring Life in the Middle Ages" (fourteenth century), by J. J. Jusserand. He quotes Elton's "Tenures of Kent," at p. 21. The Monks of Christchurch were bound to contribute to the repair of Rochester Bridge, and when their monastery was dissolved, and their lands to a great extent given to the new Cathedral of Canterbury, the King's letters patent contained these words, "that lastly the gifts of alms to the poor, the repairing of roads and bridges, and other pious offices of every kind may increase and spread far and wide, we give and grant, etc."

In this volume we find two instances where roads and bridges are alleged to be repairable by Religious Houses. One (p. 4) called the bridge of Pul, must have been somewhere near Foulbridge, the contest lay between the Prior of St. John of Jerusalem and the Prioress of Yedingham. It was common ground that between them the road and bridge ought to be repaired. The jury found that the bridge was entirely constructed on land belonging to the Prior, and that he ought to repair it as well as the road to the east of the bridge, while the Prioress was only bound to repair the road to the west, which at that time was not out of repair. This bridge was a bridge for carts and carriages.

In the other instance (p. 2) it was the Abbot of Rievaulx who was presented for not repairing a bridge called Friar Bridge beyond the Costa on the highway leading from Malton to Pickering. In consequence of the non-repair it was said that persons passed through the forests, treading down the pasture and destroying the food for the deer. The Abbot did not deny his liability to repair it, and indeed repaired it during the Eyre—a course that did not absolve him, but no doubt was considered in mitigation of his fine.

It is noteworthy that the grant to the Abbey of Rievaulx by Henry II., of the waste below Pickering, in respect of which the burden of repairing the bridge is said to have been created, is set out at p. 167 of the Rievaulx Cartulary (Surtees Society, Vol. LXXXIII.); and yet there is no reference to the land being subject to any such burden, nor is there any reference to it in the confirmation of the grant by Richard I., at p. 127 of the same volume; while at p. 261 it is distinctly stated that King Henry gave the monks the land in exchange for land at Stainton, which Walter de Gant had given to them as the site for their Abbey.

Through the courtesy of Mr. J. D. Whitehead, to whom I have had to make a similar acknowledgment in my first volume, I am enabled to sketch out the probable history of the Friar Bridge and the road leading to it. The bridge itself must, I think, be that now known as Howe Bridge, almost at the junction of the Costa and Derwent; but as against this view (*see* p. 162, *n.*) Howe Bridge is referred to under that name in the extracts from the Rolls, also copied in the Malton Coucher; although it appeared in some legal proceedings of the year 1876, that the Pickering and Malton road has been slightly deviated in recent years, yet Mr. Whitehead informs me that all the old tracks seem to have converged to the point where the bridge now is. At the date of the Eyre it was evidently a pack bridge only, *i.e.* used for foot passengers and riders; and when it was altered into a bridge for carts and carriages, it would naturally follow that it became a county bridge; and this Howe Bridge at the present date is.

The road leading to the bridge stood, however, in a different position. In the year 1762, for the distance of nearly a mile, it was in such bad repair that the township of Pickering was indicted at Quarter Sessions. The matter was respited from Sessions to Sessions for nearly two years. The following is the result :—At first the township admitted its liability. Afterwards it obtained leave to withdraw its plea of guilty, and to plead that from the north end of the parts called Birgo or Virgo Lane to Howe Bridge, it was repairable in two sections, as to the Birgo Lane by the occupiers of the land on the east, and as to the remainder by the occupiers on both sides. As to the part to the north of Birgo Lane the township confessed its liability. At the date of these proceedings, so we learn from the proceedings in 1876, all the land to the south of Birgo Lane was uninclosed, part being known as Smith's Moor and part as Hicks' Moor, called after their respective occupiers. The occupiers of the several lands appeared and admitted their liability to repair the causeway for horse and packway, but not the carriage and cartway. The matter was tried and the verdict was in favour of the township; the liability to repair the whole of the road from the north end of Birgo Lane to Howe Bridge being cast upon the occupiers.

The following year the first of a series of Turnpike Acts, by which the Malton and Pickering road was directed to be amended, widened, and converted into a turnpike road, was passed. Amongst other things the occupiers of the land burdened with repair, Marmaduke Hicks, Peter Smith, and Thomas Clifford, were directed to perform six days' statute work in every year upon the road, and were exempted from further work. This provision was repealed in the year 1804, by the Act 44 Geo. III., c. 63 (sects. 6, 7), the latter of which directs the application of £100 a year out of the tolls on the road, and appears to restore the former liability *ratione tenuræ* of the occupants to supplement any deficit. When the Turnpike Trust came to an end, the question as to the liability arose in another form. In the year 1876 it was held by Mellor and Lush, J.J., that the effect of the widening of the road was to destroy the old liability *ratione tenuræ*; while the statutory liability, imposed by the Act of 1804, only continued so long as the Act remained in force. The decision, I confess, seems to me to have been sound; though the effect was to saddle the township with the repair of the road, and to exempt the occupants of the land, yet it would have been far more unjust to have saddled the occupants with the increased cost of keeping in repair a wider road of a different nature. No doubt provision should and ought to have been made by the Turnpike Acts for continuing the apportionment of the cost of repair after the expiration of the Acts. From p. 2 of the present



volume, it is evident that the *bridge* was for foot passengers and horse-men only; but it does not necessarily follow that the *road* was designed for similar traffic only, and not for carts and carriages also; such carts and carriages might have passed over an adjoining ford of which the name Wath Hill, in the vicinity, preserves some trace. When the bridge was altered I do not know, but in the reign of Elizabeth (24 Eliz.) (*see* Vol. II., O.S., p. 301), it was spoken of as Howe Bridge, and £52 was spent on its repair. It was therefore then a county bridge.

#### RELIGIOUS HOUSES.

A FEW words may not, perhaps, be out of place to enumerate the number of Religious Houses who either held land within the forest of Pickering, or in some way or another became subject to the jurisdiction of the Court. First in importance came the Abbot of Whitby. He not only held lands at Goathland, but as the forest of Whitby marched on its west boundary with the east boundary of the forest of Pickering, disputes arising out of hunting were no uncommon occurrence. The claim of the Abbot of Whitby will be printed in the next volume, and any remarks had better be deferred until then.

The Abbey of St. Mary's, York, was the neighbour of the Earl of Lancaster on the west. The Forest of Spaunton, strictly speaking, did not belong to the Abbot, the land did (*see* Reg. Mar., fol. 177), but the game belonged to the King, whose foresters were not, however, allowed to enter, the Abbot having the custody of hart, hind, wild-boar and hawk: this also sufficiently appears from pp. 266-271 of Vol. II., N.S., and p. 258 of the present volume. By grant from King Henry I., confirmed by Henry II., the Abbot of St. Mary's was entitled to tithe of venison throughout the county of York; he also had the custody of the Forest of Spaunton, and an exchange was made; the Abbot surrendered his right to the tithe in the forest of Galtres, and by way of compensation had the forest of Spaunton; the arrangement, however, was for a limited time only, namely, five years. The arrangement does not seem to have given entire satisfaction to the Abbot. It was rare to find deer in Spaunton Forest, and the tithe in Galtres was better worth having. The Abbot petitioned either that he might have the tithe in Galtres again, or that the exchange might be permanent instead of temporary, and that he might have license in mortmain to purchase land at the value of £20. The petition does not appear to have been granted, and the arrangement was renewed for a further term of five years.

The grant of tithe to the Abbot is worthy of observation. After p. 118 was passed through the press I had an opportunity of collating

its language with the Register of the Abbey in the Dean and Chapter Library at York (Reg. Mar., fol. 177). So far as the operative words are concerned there is no difference of importance; the York Book inserts the words *semper* before *habeant*. The witnesses have, however, been incorrectly copied in the Duchy Coucher; they should have been Humphrey Byng, capellanus, and Eudo Dapifer. A description of the latter is given in Ellis's "Introduction to Domesday Book," Vol. I., p. 415; he was the son of Hubert de Rie, and Steward of the Household.

If my construction of the grant of tithes is correct the Abbot was only entitled to a tithes of the dead deer; he was not allowed to hunt himself, but after the day's hunting one-tenth of the game should be set apart and delivered to him. We have at p. 227 a somewhat similar instance of payment of tithes in respect of water-fowl, herons and egrets; only instead of a tenth of the "bag" being given, the value of a tenth was given; the gift was to the King's Almoner, and not to any ecclesiastical corporation.

In the case of the Abbot, however, he seems to have got his tithes in the following manner: he himself hunted the deer in the presence of the keeper of the forest; if he took more than his proper proportion the surplus was debited against him the next year; if he took less he was allowed to make it up the next time that he came. For this offence and for others, which will be seen at p. 121, the Abbot was fined the large sum of £45. At Vol. II., N.S., pp. 122-142, there are numerous instances of tithes being delivered to the Abbot, but there is nothing to show in what manner the delivery was made; at p. 86, however, there is a presentment against Alexander de Bergh for having taken a hind, as he alleged by way of tithes, on behalf of the Abbot; the offence presented is not that the Abbot ought not to have taken it, but that Alexander had no warrant to do so.

How the custom to pay tithes died out I do not know, but it will have been noticed that though, in Vol. I., N.S., pp. 156, 157, presents of fallow-deer appear in the reign of Henry VII. to have been made to the Abbot of St. Mary's, they are not stated to have been made in respect of tithes.

The Cistercian Abbey of Rievaulx held a considerable amount of land within the forest. We have already seen how they were bound to repair a road and bridge. King Henry II. had granted to them the whole of the waste below Pickering, and the Abbot also had land in Allerston and Thornton (*see* Rievaulx Cartulary, Surtees Society, Vol. LXXXIII). From the same source it appears that the waste was not entirely valueless, but that several persons claimed or exercised rights over it, of all which it became necessary for the Abbot to obtain a release. The

tract of land in question lies to the south of Pickering—roughly speaking, bounded to the south by the Derwent and to the west by the Costa.

Eustace son of John, the ancestor of the Vescys, appears to have had some claim to pasture on it, which, by grant from him, confirmed by Henry II., devolved on the Priory of Malton. A controversy between the two Houses arose which was eventually compromised by the mediation of the King, and the priory were permitted to have common of pasture there for the thirty oxen with which they tilled their lands at Malton, two bulls and thirty cows with their calves up to the age of one year.

We find that in general a Religious House holding land within the forest was entitled to special exemptions. This was especially the case with the Monks of Rievaulx; they enjoyed rights of fishery in the Costa, Rye and Derwent (pp. 8 and 139), as the Canons of Malton did in the two latter (p. 161). They could assart land, build houses and sheepfolds, and agist at will; they were exempt from lawing of their dogs and of all assizes of the forest except those relating to game, regards and hare-hunting.

Two important Houses of Gilbertine Canons, offshoots of Sempringham, appeared and made their claims in somewhat similar language; the Priory of Malton, already referred to, and the Priory of Ellerton. It is not probable that any large proportion of the burdens from which they claimed exemption existed in Pickering Forest; probably they took that opportunity of placing their rights upon record, possibly they did it from excessive caution, not caring to dispute whether the burdens existed or not. Their claims are, however, interesting, because they give us (*see* pp. 104, 109) definitions of two forest customs. One, that of *buckstalls*, or, as it was also called, *stabilitio*; the custom, namely, that compelled tenants within a forest to make enclosures into which the deer were driven; the other that of *trists*, namely, the custom that certain persons were to hold hounds at fixed points where the deer was likely to run in order to intercept them. I have, in the Introduction to Vol. II., N.S., p. xxxviii, told how this method of hunting is mentioned in the "Maister of the Game."

As in the case of so many other Religious Houses, both Priories claimed to be exempt from lawing of their dogs; the same exemption was claimed by the Prior of Bridlington (p. 6), the Dean and Chapter of York (pp. 127 and 155), and the Knights Hospitallers (pp. 141 and 144).

At the angle formed by the junction of the Rye and Derwent is a meadow formerly known as Edusmarsh, and afterwards as Castle Ings. In the sixteenth century it certainly belonged to the Duchy, and it may have been the meadow referred to at Vol. II., N.S., p. 15, as sixty-six acres of demesne meadow.

We learn (at p. 162) that the Prior of Malton claimed the right to pasture his cattle in this meadow after the hay had been carried.

For the most part, if not entirely, the possessions of the Knights Hospitallers within the forest appear to have been those which descended to them after the suppression of the Templars. Fowkebridge or Foulbridge has already been referred to; in addition there was a Master of Stainton (pp. 48, 58), for whom the Prior had to answer; there were also lands at Allerston. A question arose with regard to Foulbridge (p. 147). It was suggested that at the date of the suppression of the Templars their lands fell as escheats to the chief Lord, namely, Earl Thomas, who granted Foulbridge to John de Dalton for his life, and thus the liberties annexed to the Manor of Foulbridge became extinguished. Afterwards came the Act of Parliament vesting the lands in the Knights of St. John, and though I understand the lease for life to John de Dalton to be admittedly superseded, yet the argument appears to be that the liberties themselves were not revived. The matter was eventually removed by writ of *certiorari* to the King's Bench, but search on the Coram Rege Rolls has not resulted in the discovery of the determination of the question.

With regard to Allerston a question of a different nature arose (pp. 214-217). It was suggested that these lands formed a manor by themselves, though, no doubt, held of Sir Ralph de Hastings, the Lord of the Manor of Allerston. At the time of the suppression of the Templars Sir Ralph appears to have seized their land and held it for some forty years, when the Knights of St. John attempted to recover it. The readiness with which Sir Ralph gave way suggested doubts to the minds of the Judges whether this was not a device to evade the provisions of the Statutes of Mortmain, of which one in more stringent form had only recently been passed. An inquiry as to this was therefore directed, but the Jury found that the claim was perfectly *bona fide*, and that the Templars had owned the land in question.

According to Burton's "Monasticon," p. 358, Father Robert de Samford, minister of the Knights Templars in England, with the advice and consent of the Chapter at London, granted to the monks of Rieval a road beyond Grenehil in the territory of Allerston. I do not find a reference to this grant in the Rievaulx Cartulary, although at pp. 209 and 290 the road itself is referred to, and the probable date of its grant by another person, John, son of Baldwin, is put by Canon Atkinson somewhere about 1203. Moreover, in Pat. Rolls 5 Edward II., part 1, m. 2 [January 24, 1312], there is a grant to Alexander de Abernythy of, amongst other manors, the Templars' manors of Foukebridge and Allerston. I only refer to this as to some extent con-

firmatory of the contention that the Templars held, if not a manor, at any rate land in Allerston.

## GENERAL HISTORY.

AT pp. 224-228 will be found some of the Wardrobe Accounts. They commence with the expenses of Edward II. when at Pickering. This was his second visit there, almost a year and a half after the death of Earl Thomas. In 1322 the Scots under Robert Bruce had entered England, and amongst other places had spoiled the monastery of Rievaulx. We find a reference to this in the repayment to Sir Roger de Felton of his ransom of £100, which his capture by the Scots, October 10, 1322, had exacted from him. It will be remembered (Vol. I., N.S., p. 4) that it was on the 17th October, 1322, that hostages were delivered to Robert Bruce for payment of the ransom of Pickering Lath. We learn from the account that the King hunted the stag there, and paid to one of his huntsmen 10<sup>s</sup> for his day's employment. It was not an uncommon thing for a King to celebrate his stay at a place by a large distribution of alms; for instance, when Edward III. was there in 1334 (just before the commencement of the Pickering Eyre) he spent 12<sup>s</sup> 6<sup>d</sup> on 100 poor, three halfpence each, but if the Wardrobe Accounts contain the whole of Edward II.'s generosity, his gift was limited to the sum of three pence.

From Pickering Edward II. passed over the moors to Whorlton Castle, where he intended to stay with Nicholas de Meynell. His journey appears to have taken him at least a week; what was the course that he followed, and where he stayed, I cannot even conjecture. He went by Lockton, and probably passed over Spaunton Moor, which seems to correspond with what is called Blakho Moor; Greenhow might be the moor above Ingleby Greenhow; but this is far too much to the north. We should expect him to have gone through Bransdale and Bilsdale; dropping down into the low country not far from Faceby. The difficulty would be to find any place to stop at. Perhaps being fine weather they camped out. It seems to have been a hunting expedition, for he spent the sum of £5 and more at Scarborough in the purchase of cord for his hunting nets.

At Whorlton the hunting seems to have consisted of taking roedeer in the Park; while in the evening he had an opportunity of judging whether Yorkshire deserved to be so famous for its singing as it was. It is interesting to note that the song chosen was one relating to Simon de Montfort. Two such are printed in the book prepared by Mr. Wright, for the Camden Society, and I believe that they are the same as those references to which I have given in the note.

The Accounts of Edward III. do not throw much light on his life

at Pickering ; he hunted there apparently, and certainly lost a hound, for which the finder, on bringing it to Beverley, received half a mark.

## CONCLUSION.

THE difficulty of determining what names are place-names and what surnames, in even a general sense, has been as great in this volume as in the preceding ; I have, however, in most cases retained the *de*, and only translated it where there seemed a more than ordinary probability that it only referred to the locality.

To those whom I have thanked in the preceding volumes, my thanks for similar services are again due, as well as to those whose names appear in other parts of this volume ; in addition to them I must mention Canon Temple, by whose kindness I was enabled to see the Register of St. Mary's Abbey, at a time when I fear that it was inconvenient to him, and when the Dean and Chapter Library was not open to the public.

ROBERT B. TURTON.

24, OLD SQUARE, \*

LINCOLN'S INN,

*November 6, 1896.*

# DUCHY OF LANCASTER RECORDS.

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Presentaciones super articulis de foresta apud Pykeryng coram Ricardo de Wylughby, Roberto de Hungerford et Johanne Hambury, Justiciariis etc. die Lune proximo post festum sancti Michaelis anno regni Regis Edwardi tercii a conquestu octavo.

Duodecim jurati istius foreste ad presentandum dicunt super sacramentum suum quod Johannes de Melsa miles\* dominus de Levesham tenet communiter homines facientes et arduentes carbones de cabliciiis et sicco bosco in boscis ipsius Johannis de Levesham qui nunc est infra limites foreste predicte, et carbones illos vendicioni exponit ad dampnum domini et nocumentum ferarum ejusdem foreste, nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Johannes et dicit quod ipse et omnes antecessores sui et tenentes manerii de Levesham a tempore quo non extat memoria ceperunt cablicia et siccum boscum in boscis predictis et inde fecerunt et arderunt carbones et postea eos vendicioni expo-

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Matters relating to the Forest presented at Pickering before Richard de Willoughby, Robert de Hungerford and John de Hambury, Monday the 6<sup>th</sup> Oct., 1334.

The jury of twelve say on their oath that Sir John de Melsa, Lord of Levesham, is in the habit of employing men to make and burn charcoal out of browsewood and dry sticks in his woods at Levesham, which are now within the bounds of the forest, and he exposes the charcoal for sale, injuring the Lord and annoying the deer, by what right they know not. Sir John is summoned, appears and pleads that he and his ancestors and the tenants† of the Manor of Levesham have from ancient time taken the browsewood and dry sticks in the said woods and burnt them into charcoal, and afterwards exposed them for sale and given them away at pleasure as part of his and their

\* Son of Godfrey de Melsa and Scolastica his wife. See Patent Rolls 4 Ed. II., pt. m. 17, and 5 Ed. II., pt. 1, m. 1. See as to his title to the manor of Levesham Vol. II., N.S., p. xxvii.

† or holders.

suerunt et pro voluntate sua dederunt tanquam partem manerii predicti [258b] et hoc paratus est verificare per ministros istius foreste etc. Et quia manifeste liquet Curie per responsionem ipsius Johannis quod idem Johannes est in hac parte ad proficuum capiendum in foresta predicta et non apposuit inde clamium suum in instanti Itinere primo die ejusdem prout moris est et proclamatum fuit, consideratum est quod libertas predicta capiatur in manum domini etc., et nichilominus respondeat domino de valore ejusdem per medium tempus etc. Postea venit predictus Johannes et peccit quod possit admitti ad finem faciendum cum domino pro clamio suo inde apponendo et admittitur per finem dimidie marce per plegium Ricardi de Naulton.

Idem jurati presentant quod quidam pons qui vocatur Frerebrigg ultra aquam de Costa per quam [*sic*] homines solebant transire de Pikeryng usque Malton equites et pedites, pons predictus modo in tantum dirutus est et confractus quod homines predicti ibidem transire non possunt set circuiunt aliunde per forestam istam ad spacium unius leuce ad nocumentum et conculcacionem et consumpcionem pasture ferarum domini Comitis foreste predictae; et Abbas de Ryevall et omnes Abbates loci predicti tenentur illum reparare. Ideo preceptum est vicecomiti quod venire faciat eum. Postea venit predictus Abbas et non dedit quin ipse et omnes Abbates loci predicti tenentur pontem predictum reparare, sed dicit quod pons predictus non est dirutus neque confractus ad presens, quin homines ibidem pertransire possunt

manorial rights. He asks that the officers of the Forest may try the question. As it clearly appears to the Court by the answer of Sir John that he is making a claim to take a profit in the forest which he did not claim on the first day of the Eyre, as the custom is and as proclamation was made, judgment is given that the liberty be seized into the Lord's hands, and Sir John is to answer for its value in the meantime. Afterwards Sir John appears and prays that he may be allowed to pay a composition for making his claim, and a composition of 6<sup>s</sup> 8<sup>d</sup> is fixed. Surety, Richard de Naulton.

The jury also present that a bridge called Friar Bridge beyond the Costa, across which people are wont to pass on horseback and on foot going from Pickering to Malton, is in such bad repair that people cannot pass over, but have to make a divergence of about a mile and a half in the forest, treading down and injuring the pasturage of the deer. The Abbot of Rievaulx and all Abbots of that place are bound to repair it. He is summoned, appears and does not deny that he and they are bound to repair it, but he says that the bridge is not in such bad repair that people cannot pass over it as they are wont and ought to do without doing harm to anyone. He asks that an inquiry may be made



prout solent et debent absque aliquo nocumento alicui faciendo et de hoc ponit se super ministros ejusdem. Ideo per eosdem inquiratur inde veritas. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod post sumonicionem istius itineris pons predictus dirutus fuit et confractus per quod homines ibidem transire nequiunt alibi circuierunt in foresta ad nocumentum ferarum domini et pasture earundem conculcacionem, et dicunt quod postmodum idem Abbas pontem illum reparavit ita quod nunc non indiget aliqua reparacione quin homines sufficienter ibidem pertransire possint. Ideo idem Abbas quoad reparacionem pontis ad presens eat inde sine die, set quia idem Abbas prius non reparavit, ideo remanet in misericordia.

Idem jurati presentant quod Prior de Bridlyngton qui nunc est relevavit quamdam bercariam apud Neulond in foresta longitudine centum pedes hominis et latitudine xij pedes ad nocumentum ferarum domini predictae foreste, que quidem bercaria alias in ultimo itinere Justiciariorum istius foreste judicio prosternata [*sic*] fuit, nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Prior et petit admitti ad finem faciendum cum domino in hac parte et quod arentare possit bercariam predictam sibi et successoribus suis imperpetuum tenendam, eo quod bercaria jam non est ad nocumentum ferarum domini. Et quia forestarii, viridarii et regardatores hoc idem testantur, idem Prior admittitur ad finem j marce per plegium Radulphi de Morton et similiter ei conceditur per

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by the officers of the Forest. An inquiry is directed. The foresters, verderers, and regarders, sworn and charged, say on their oaths that after the summons for the Eyre was issued the bridge was in such bad repair that people being unable to pass over it made a divergence into the forest, annoying the Lord's deer and treading down their pasturage. Afterwards the Abbot repaired it so that it requires nothing further, and people can quite well pass over it. Therefore as to the present repair of the bridge the Abbot is acquitted, but he is to be amerced because he did not repair it before.

The jury also present that the present Prior of Bridlington erected a sheepfold at Newland in the forest, 100 feet long and 12 feet broad, injuring thereby the Lord's deer, notwithstanding that on another occasion at the last Eyre of the Justices the sheepfold was ordered to be taken down. By what right they know not. The Prior appears and prays to be allowed to compound with the Lord, and that he and his successors may rent the sheepfold in perpetuity, inasmuch as it no longer injures the deer. Since the foresters, verderers and regarders prove that this is so the Prior is permitted to compound by the pay-

redditum vj<sup>d</sup> per annum ad festum sancti Michaelis imperpetuum. Ideo idem Prior illam habeat et teneat sibi et successoribus suis imperpetuum [259] pro reddito predicto extra regardum etc.

Idem jurati presentant quod pons et via de Pul infra forestam istam que sunt communes transitus ad carros, carrectas et omnia quecumque alia cariagia vel summagia facienda ita dirute sunt et confracte quod nullus possit ibidem pertransire, et Prior Hospitalis Sancti Johannis Jerusalem, in Anglia racione terrarum et tenementorum que fuerunt Magistri et Fratrum ordinis milicie Templi Salomonis et Priorissa de Yedyngham tenentur pontem et viam predictas reparare et sustentare. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt tam predicta Priorissa in propria persona sua quam predictus Prior per Walterum de Trusseley attornatum suum. Et predicta Priorissa dicit quod nec ipsa nec aliqua predecessarum [*sic*] suarum a tempore quo non extat memoria unquam aliquo tempore pontem seu viam predictas repararunt seu reparare tenentur, quia dicit quod predictus Prior racione terrarum et tenementorum suorum que fuerunt Magistri et Fratrum ordinis milicie Templi Salomonis que tenet, tenetur dictos pontem et viam quocienscumque necesse fuerit reparare et sustentare, Magistri et Fratres ordinis predicti ante cessationem et adnullacionem ejusdem ordinis a tempore quo non extat memoria racione terrarum et tenementorum suorum quas tenuerunt apud Fouk-

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ment of 13<sup>s</sup> 4<sup>d</sup> (surety Ralph de Morton), and he is likewise given a grant for ever of the sheepfold at a yearly rent of 6<sup>d</sup> at Michaelmas. The Prior is to hold it for ever quit of regard.

The jury also present that the bridge and road of Pul within the forest which are common highways for carriages, carts, drifts and pack-saddles are in such bad repair that none can pass over them. The Prior of the Hospital of St. John, by reason of his tenure of lands which formerly belonged to the Knights Templars, and the Prioress of Yedingham, are bound to repair and maintain them. They are summoned. The Prioress appears in person, the Prior by his attorney, Walter de Trusseley.\* The Prioress says that neither she nor any of her predecessors ever from ancient time repaired or ought to repair it, because she says that the Prior, by reason of his tenure of the lands which belonged to the Templars, is bound to repair and maintain the bridge and road as often as need requires, in the same way that the Templars before the abolition of their Order from ancient time, by reason of their tenure of their lands at Foulbridge† which the Prior

\* This name is not quite clear. It sometimes seems written Trussebey. Walter de Trusselay was bailiff of the Liberty of Holderness. De Banco Rolls, 15 Ed. III., Easter, r. 241, d.

† Foulbridge is a little to the east of Yedingham.

brigge que\* dictus Prior modo tenet, dictos pontem et viam repararunt et sustentarunt, et hoc parata est verificare per ministros istius foreste. Et Prior predictus per attornatum suum dicit quod ipse nec tenetur dictos pontem et viam reparare racione terrarum seu tenementorum aliquorum que tenet, prout eadem Priorissa asserit, set eadem Priorissa terras et tenementa tenet apud Yedyngham et alibi, per que tenetur eos reparare et sustentare, et hoc similiter petit quod inquiretur. Et predicta Priorissa similiter. Ideo inquiretur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod Magister et Fratres ordinis milicie Templi Salomonis ante cessacionem et adnullacionem ordinis predicti racione terrarum et tenementorum que tenuerunt et que Prior Hospitalis modo tenet pontem predictum qui in solo suo totaliter construitur et adhuc in eodem constructus est repararunt et sustentarunt, et similiter viam ex parte occidentali ejusdem pontis repararunt et sustentarunt, et Prior Hospitalis racione terrarum et tenementorum suorum predictorum que tenet, tenetur pontem et viam ex parte orientali ejusdem pontis quocienscumque necesse fuerit reparare et sustentare. Dicunt eciam quod predicta Priorissa tenetur viam ex parte occidentali dicti pontis usque dictum pontem reparare eo quod pons predictus omnino in solo ipsius Prioris construitur, racione quarundam terrarum quas tenet; que via ad presens non indiget

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now holds, repaired and maintained the bridge and road. She asks that an inquiry may be directed. The Prior, by his attorney, denies that he is bound by reason of his tenure of any lands or tenements to repair the bridge and road, as the Prioress maintains; but he says that the Prioress, by reason of the lands which she holds at Yedingham and elsewhere, is bound to repair and maintain them. He and the Prioress both ask that an inquiry may be directed. The foresters, verderers, and regards being sworn, say on their oaths that the Templars before the abolition of their Order, by reason of their tenure of lands which the Prior of the Hospitallers now holds, repaired and maintained the bridge which stands entirely on their own ground, and likewise repaired and maintained the road to the east of the bridge, and the Prior, by reason of his tenure of the same lands, is bound to repair and maintain as often as need requires the bridge and road to the east of it. Further they say that the Prioress, inasmuch as the bridge stands entirely on the Prior's ground, is bound to repair the road to the west of the bridge by reason of her tenure of certain lands, which road is not now out of repair. The judgment of the Court is that the Prior be distrained to compel him to repair and

\* The grant was made A. D. 1324 or thereabouts.

reparacione. Ideo consideratum est quod idem Prior distringatur ad pontem predictum et viam ex parte orientali ejusdem pontis reparandum et faciendum, et idem Prior in misericordia quia prius etc., et similiter predicta Priorissa ad presens eat sine die inde, eo quod via ex parte occidentali dicti pontis ad presens non indiget reparacione aliquali.

Idem jurati presentant quod Prior de Bridlington tenet canes suos in [259b] soca de Scalby infra metas foreste non expeditatos contra assisam foreste, nesciunt quo waranto : ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Prior et dicit quod dominus Stephanus quondam Rex Anglie progenitor [*sic*] domini Regis nunc per cartam suam concessit in elemosinam Canonicis Sancte Marie de Bridlyngton ecclesiam de Scalby cum capellis et terris ad eam pertinentibus et omnibus aliis rebus que ad prefatam ecclesiam pertinent, et precepit quod predicti Canonici bene et in pace, libere et quiete eam tenerent per cartam ipsius quam hic profert et que hoc testatur ; unde dicit quod virtute carte predictae ipse et omnes Priores loci predicti, predecessores sui, a tempore quo non extat memoria tenuerunt ecclesiam predictam cum capella predicta tanquam in proprios usus ecclesie predictae annexa, et quieti fuerunt de expeditacione canum suorum in soca predicta, et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiretur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores super hoc jurati dicunt super sacramentum suum quod idem Prior est persona de Scalby et tenet ecclesiam de Cloghton tanquam capellam ecclesie predictae

make good the bridge and road to the east, and is to be amerced because he has not done it sooner, and the Prioress is to be acquitted because the road to the west of the bridge is not at present out of repair.

The Prior of Bridlington was indicted for keeping unlawd dogs in Scalby Soke within the limits of the forest, contrary to the assize of the forest. He appears and says that King Stephen, by deed granted in alms to the Canons of St. Mary of Bridlington, the church of Scalby with the chapels, lands and all else appurtenant thereto, and commanded that the Canons might hold the same well, peaceably, freely, and quietly. He produces the deed and vouches its contents. Wherefore he claims that by virtue of the deed he and all his predecessors as Priors have from ancient time held the church, together with the chapel, as part of the private property of the church, and have been quit of the lawing of their dogs in the Soke. He asks that an inquiry may be directed. The foresters, verderers, and regardsers being sworn, say upon their oaths that the Prior is Rector of Scalby, and holds Cloughton Church as a chapelry annexed to Scalby, and by

annexam et racione terrarum suarum in Scalby ipse nec aliquis predecessorum suorum nullo tempore aliquid solverunt pro expeditacione predicta racione terrarum quas habet in villa de Cloghton; consuevit tamen ante hec tempora presentari quolibet tercio anno prout moris est de canibus suis ibidem non expeditatis, et cum homines ejusdem ville pro soca de Scalby finem fecissent pro canibus suis non expeditatis et postea petivissent a predicto Priore tanquam pro porcione sua ejusdem finis racione predictarum terrarum suarum in Cloghton que est hamelettum de Scalby, predictus Prior nec aliquis predecessorum suorum unquam aliquid solverunt, tamen ballivus castri qui pro tempore fuit finem predictum totaliter levavit et recepit de soca predicta, et cum aliquando contigerit quod homines ejusdem soke in hac parte amerciati fuissent, senescallus ejusdem soke qui pro tempore fuit asserebat se pro predicto Priore quoad amerciamento ipsum inde contingentem existere [*sic*]; ita quod idem Prior vel aliquis predecessorum suorum vel una causa vel alia nunquam aliquid ante hec tempora pro expeditacione canum suorum solverunt; et super hoc datus est dies eidem Priori hic usque diem Lune proximum post mensem Pasche apud Pikering de audiendo judicio suo. Ad quem diem apud Pikering coram prefatis Justiciariis venit predictus Prior per attornatum suum predictum\* et dicit quod cum in magna carta de libertatibus Anglie contineatur quod sancta ecclesia libera sit et habeat

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reason of his tenure of lands in Scalby neither he nor any of his predecessors has ever paid anything in respect of his lands in Cloughton for hundgeld. Nevertheless he was wont before this to be indicted every third year, as the custom is, for unlawed dogs, and when the men of the village compounded on behalf of Scalby Soke for unlawed dogs, and afterwards requested the Prior to pay his share of the composition in respect of his lands in Cloughton, which is a hamlet of Scalby, neither the Prior nor any of his predecessors paid anything, but the bailiff of Pickering Castle for the time being levied and received the composition entirely from the [? rest of the] Soke. Moreover, whenever it happened that the men of the Soke were fined in this behalf, the steward of the Soke for the time being asserted that he was to be relieved (?) as to the Prior's share of the fine. So that one way or another neither the Prior nor any of his predecessors ever before these times paid anything for hundgeld. The Prior is ordered to attend on Monday, 15 May, 1335, to hear judgment delivered. He appeared by his attorney and said that in Magna Charta† it is provided that the Holy Church shall be free, and shall enjoy her whole rights and liberties inviolate, and that he and all his predecessors in

\* See p. 81, *post*.

† Sect. 1.

omnia jura sua integra et libertates suas illesas, et ipse Prior et omnes Priores loci predicti, predecessores sui, a tempore quo non extat memoria semper exonerati fuerunt virtute carte predictæ de hujusmodi expeditatione canum suorum, et ipse nec aliquis predecessorum suorum aliquid a tempore predicto pro expeditatione predicta alicui solverunt prout compertum est per veredictum predictum, petit judicium etc. Ideo idem Prior ad presens eat inde sine die, salvo semper jure domini Regis et Comititis, si alias inde loqui voluerit etc.

[260] \*Idem jurati presentant quod Abbas de Ryevall piscatus est sepiissime in aquis de Derewent, Costa et Rya que sunt dominice aque et bunde foreste de Pikeryng ad dampnum domini Comititis, nesciunt quo waranto; ideo preceptum est vicecomiti quod venire faciat eum. Postea venit predictus Abbas et dicit quod quidam Eustachius filius Johannis† olim dum mariscus subtus Pikeryng fuit in manibus progenitoris domini Regis nunc tenuit in eodem marisco dimidiam carucatam terre hidate‡ que nunc est ipsius Abbatis et infra divisas suas ejusdem marisci, qui quidem mariscus et terra modo sunt maneria de Loftmarreys, Lund, Neustede et Kekmarreys, quos dominus Henricus secundus quondam Rex Anglie progenitor domini Regis nunc dedit Deo et Beate Marie et ecclesie sue de Ryevall et monachis ibidem

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his office of Prior were ever from ancient time exonerated from paying hundgeld by virtue of the said deed, and have never paid anything as the verdict of the jury finds to be the case. He prays judgment. Judgment is given that the Prior be acquitted on the present occasion without prejudice to the right of the King and Earl to raise the question on a future occasion.

The jury also present that the Abbot of Rievaulx has often fished in the waters of the Derwent, Costa, and Rye, which are demesne waters and boundaries of Pickering Forest, injuring thereby the Earl; by what right they know not. He is summoned, appears and pleads that Eustace, son of John, formerly while the marsh below Pickering was in the hands of an ancestor of the present King, held within the boundaries of the marsh half a carucate of hideland, which now belongs to the Abbot. The marsh and land together comprise the Manors of Loftmarishes, Lund, Newstead, and Kekkmarsh, which Henry II. granted to the Abbey of St. Mary of Rievaulx, together with the meadows, pastures, waters, fisheries, mills, and other things

\* See Rot. Pat. 4 Rich II., pt. 1, m. 35.

† He was the father of William de Vescy. See *Surtees Society*, Vol. LXXXIII., p. 138.

‡ I apprehend that this word refers to taxation. It might, perhaps, be rendered geldable.

Deo servientibus cum pertinenciis suis in pratis, pasturis, in aquis, piscariis et molendinis et omnibus aliis rebus per certas metas in eadem carta contentas, ad que quidem maneria pertinuit ab antiquo et de jure pertinere debet communa(m) piscaria(m):\* unde dicit quod in predictis aquis de Derewent et Rya, videlicet a loco ubi Alverstanbek cadit in Ryam usque ad locum ubi Costa cadit in Ryam, ipse et omnes predecessores sui Abbates loci illius piscati sunt ut in piscaria sua pertinenti ad terram predictam hidatam, et in predicta aqua de Costa, scilicet ubi solum ipsius Abbatis se extendit ex utraque parte ejusdem, idem Abbas et omnes Abbates loci predicti predecessores sui a tempore quo non extat memoria piscati † sunt ut in solo suo proprio tanquam parcella eorundem maneriorum et in predicta aqua de Costa scilicet ubi idem Abbas solum habet ex una parte ejusdem idem Abbas et omnes Abbates loci predicti predecessores sui semper a tempore quo non extat memoria piscati sunt ut in piscaria sua pertinenti ad terram hidatam predictam que sunt maneria sua predicta: et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores super premissis jurati et onerati dicunt super sacramentum suum quod Abbas qui nunc est et similiter omnes Abbates loci predicti pre-

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appurtenant thereto by the boundaries mentioned in the deed, to which Manors common of fishery has ever from ancient time belonged and ought of right to belong. Therefore he claims that he and his predecessors in the office of Abbot have fished in the waters of the Derwent and Rye from the place where Allerston Beck falls into the Rye to the place where the Costa falls into the Rye, as in a fishery appurtenant to his land; and also in the Costa where the soil on both sides belongs to the Abbot he and his predecessors in office have from ancient time fished as in their own land as parcel of the same Manors, and in the Costa where he owns the soil only on one side he and his predecessors in office have from ancient time fished as in a fishery appurtenant to the land which comprises the Manors above-mentioned. He asks that an inquiry may be directed. The foresters, verderers, and regards sworn and charged say upon their oaths that the present Abbot, and likewise his predecessors in office, have ever from ancient

\* *Sic*, but in Rot. Pat. 4 Rich. II. we find *communam piscarie et communam pasture*. We should expect *communa* in each case. Letters and words enclosed in round brackets appear in the text, but should presumably be omitted. Letters and words enclosed in square brackets do not appear in the text, but should presumably be inserted.

† As the next sentence is omitted from the Exchequer copy it is clear that the Duchy Coucher cannot have been copied from it unless the scribe of the latter referred to the original rolls.

decessores sui semper a tempore quo non extat memoria piscati sunt in aqua predicta de Costa ubi idem Abbas solum habet ex utraque parte ut in solo suo proprio, et in predictis aquis de Derewent et Rya per divisas predictas et similiter in predicta aqua de Costa ubi solum ipsius Abbatis se extendit ex una parte ejusdem aque tantum versus Ryam, idem Abbas qui nunc est et similiter omnes Abbates loci predicti predecessores sui semper a tempore quo non extat memoria piscati sunt in eisdem ut in piscaria sua pertinenti ad predictam terram hidatam que est maneria predicta.\* Et quia predictus Eustachius filius Johannis tempore progenitoris domini Regis nunc antequam idem Abbas qui nunc est seu aliquis predecessorum suorum aliquid in marisco predicto habuit seu habuerunt, tenuit, ideo idem Abbas habeat et teneat piscarias predictas, salvo semper jure Regis et Comitum cum alias inde loqui voluerit.

Iidem jurati presentant quod cum Abbas de Whiteby habeat unum clausum apud [260b] Gotheland infra forestam istam loco qui vocatur Frerestede ubi ab antiquo habere debet viginti vaccas et unum taurum solummodo et non plura averia † per decem et aliquando plus ad nocumentum ferarum istius foreste, nesciunt quo waranto; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea apud Hakenesse infra libertatem predicti Abbatis venit predictus Abbas et placitavit prout alibi patet. Ideo nichil ulterius hic.

time fished in the Costa where the Abbot owns the soil on both sides as in his own land, and in the Derwent and Rye between the limits above mentioned, and in the Costa where the Abbot owns the soil on one side only towards the Rye, as in their fishery appurtenant to his Manors. And since Eustace, the son of John, in the days of the King's ancestor held it before the Abbot or any of his predecessors had any right to the marsh, therefore the Abbot may hold the fishery, without prejudice to the right of the King and the Earl to raise the question on another occasion.

The jury also present that whereas the Abbot of Whitby has a close at Goathland within the forest in a place called Friarstead, where from ancient time he ought to have twenty cows and one bull only [he surcharges it with] ten [cows] and sometimes more, injuring the deer of the forest, by what right they know not. He is summoned and appears at Hackness as mentioned elsewhere. No further proceedings are taken here.

\* Rot. Pat. ends here with the words prout idem Abbas superius asserit ideo Abbas inde sine die salvo semper jure etc.

† Evidently some words are omitted.



Iidem jurati presentant quod Abbas de Whiteby qui nunc est et quidam tenentes sui de ipsius dimissione tenent infra forestam istam loco qui dicitur Westcroft xxviiij acras terre de veteri assarto et illum assartum inclusum tenent et dicti tenentes pro qualibet acra ejusdem assarti reddent dicto Abbati quolibet anno vj<sup>d</sup>: nesciunt quo waranto; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea apud Hakenesse infra libertatem predicti Abbatis venit predictus Abbas et placitavit prout alibi patet. Ideo nichil ulterius hic etc.

Iidem jurati presentant quod idem Abbas de Whiteby tenet unam vaccariam in Gotheland in foresta ista ad dampnum domini Comitis et nocumentum ferarum ejusdem foreste, nesciunt quo waranto, per quod preceptum est vicecomiti quod venire faciat eum etc. Postea apud Hakenesse infra libertatem predicti Abbatis venit predictus Abbas et placitavit prout alibi patet. Ideo nichil ulterius hic etc.

Iidem jurati presentant quod Gilbertus de Aton capit liberacionem de housebote et haibote in boscis de Hoton et Aton et in bosco de Ayclifside et Troucedale ex parte boriali et prosternere facit ligna in eisdem et vendidit, clamando essendi extra regardum foreste, nesciunt quo waranto; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Gilbertus et inde allocutus dicit quod nichil dedit nec vendidit quoad Hoton et Aton prout superius presentatum est et hoc petit quod inquiratur per ministros ejusdem foreste; et quoad residuum predictae presentacionis dicit quod ipse et

The jury also present that the present Abbot of Whitby and some of his leasehold tenants hold twenty-eight acres of old assart within the forest in a place called Westcroft, at a yearly rent of 6<sup>d</sup> an acre paid to the Abbot, by what right they know not. The Abbot is summoned and appears at Hackness as mentioned elsewhere. No further proceedings are taken here.

The jury also present that the Abbot of Whitby holds a cowhouse in Goathland in the forest, injuring the Earl and annoying the deer of the forest, by what right they know not. He is summoned and appears at Hackness as mentioned elsewhere. No further proceedings are taken here.

The jury also present that Gilbert de Aton takes livery of housebote and haybote in these woods, Hutton Bushell, Ayton, Ayclifside, and Troutsdale on the north, and fells logs in them and sells all this, claiming to be quit of regard; by what right they know not. He is summoned, appears, and when charged says that as to Hutton Bushell and Ayton he neither gave nor sold aught as charged in the indictment. He asks that an inquiry may be directed. As to the rest of the indictment he says that he and his ancestors have ever from

omnes antecessores sui a tempore quo non extat memoria ceperunt liberacionem de housebote et haybote et tenuerunt boscum in Ayclifside et Troucedale extra regardum foreste et vendiderunt et dederunt et prostraverunt boscum tam siccum quam viridem in bosco predicto et hoc paratus est verificare per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores jurati ad hoc dicunt super sacramentum suum quod predictus Gilbertus non vendidit nec dedit liberacionem prout superius presentatum est. Ideo idem Gilbertus inde sine die. Postea venit predictus Gilbertus et finem fecit cum domino Comite pro clamio suo in hac parte ponendo et admittitur per xx<sup>d</sup> per plegium Ricardi de Naulton et Henrici de Kelke.

Idem presentant quod Gilbertus de Aton agistare facit extranea animalia in marisco de Hoton extra coopertum ad nocumentum ferarum domini istius foreste, nesciunt quo waranto; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Gilbertus et dicit quod ipse et omnes antecessores sui tenentes [261] manerium suum de Hoton Bussel a tempore quo non extat memoria seisiti fuerunt de hujusmodi agistamento tanquam pertinente manerio predicto, et dicit quod ipse in principio istius instantis Itineris inter alias libertates clamavit agistare in Hoton Ker qui est idem mariscus, quod quidem clamium sibi allocatum fuit, et de hoc vocat recordum rotulorum istius Itineris. Et super hoc scrutatis rotulis clamiorum istius Itineris hoc idem compertum est, et ministri testantur quod mariscus

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ancient time taken livery of housebote and haybote, and held the woods of Ayclifside and Troutsdale as quit of regard of the forest, and sold and given away and felled both dry and green wood in the same wood. He asks that an inquiry may be directed as to this also. The foresters, verderers, and regarders sworn say upon their oaths that Gilbert never gave or sold any livery wood as charged in the indictment. Afterwards Gilbert appears and makes a composition of 1<sup>s</sup> 8<sup>d</sup> with the Earl for leave to make his claim in this behalf. Sureties, Richard de Naulton and Henry de Kelk.

The jury also present that Gilbert de Ayton causes the cattle of non-residents to be agisted in Hutton Marsh beyond the covert, annoying the deer of the forest, by what right they know not. He is summoned, appears, and says that he and his ancestors while holding the Manor of Hutton Bushell have from ancient time been seised of this agistment as appurtenant to the Manor, and that at the commencement of this present Eyre he claimed, amongst other liberties, the right to agist in Hutton Carr, which is the same as the marsh. The claim was allowed. He craves leave to refer to the Forest Rolls. On searching the Rolls this is found to be the case, and the officers of

de Hoton et Hoton Ker sunt una et eadem placea. Ideo idem Gilbertus eat inde sine die.

Iidem jurati presentant quod Magister Johannes de Edbreston, berrarius Thome del Stroyer, Willelmus del Howe et Robertus filius Alani de Northumbria superonerant pasturam in foresta ista per attraccionem omnium extraneorum de patria ad nocumentum ferarum domini istius foreste et dampnum domini; ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt predicti Magister Johannes, Thomas, Willelmus et Robertus filius Alani et super premissa [? premissis] allocuti dicunt singillatim quod ipsi non possunt hoc dedicere et petunt quod possunt admitti ad finem faciendum cum domino in hac parte et admittitur [? admittuntur] prout alibi patet.

Iidem jurati presentant quod Robertus Couperell nuper garcio forestarii in Foulwode, Thomas le Fleccher garcio Ricardi de Helmele, Radulphus filius Matillidis nuper garcio Galfridi de Kynthorp, Thomas le Pynder nuper garcio Roberti de Neustede wodewardi de Thornton, Rogerus garcio Ricardi de Dalby nuper wodewardi de Brumpton, Ricardus Malleson garcio ejusdem Ricardi, Thomas Barry nuper garcio in Haia, Willelmus Reysemist [?], Ricardus Shiphill, Henricus Foushau et Johannes filius Ade garcio Hugonis de Yeland non jurati dividiant quamplures homines in foresta ista transeuntes,\* et sic dividiarunt Hugonem Geryng et Johannem Edmundum et quamplures alios contra assisam foreste; ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt predicti Robertus et alii et finem fecerunt cum domino prout patet in rotulis de extractis. Ideo nichil ulterius de eis.

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the forest prove that Hutton Carr and Hutton Marsh are one and the same place. Gilbert is acquitted.

The jury also present that Master John of Ebberston, the shepherd of Thomas del Stroyer, William del Howe, and Robert, son of Alan of Northumberland, surcharge the pasturage in the forest by taking in cattle of non-residents in the country, annoying the deer of the forest, and injuring the Earl. They are summoned, appear, and cannot deny the charge, but ask to be allowed to compound for their offence. They make a composition as appears elsewhere.

The jury also present that the servants whose names are mentioned, although unsworn, take pledges from persons passing through the forest, and in particular from Hugh Geryng, John Edmund, and several others, contrary to the assize of the forest. They are summoned, appear, and make a composition as appears in the Estreat Rolls. Further proceedings are stayed.

\* This probably refers to the custom of cheminage.

Iidem jurati presentant quod Robertus de Wygan nuper forestarius equites\* in foresta ista colore officii sui cepit averia de Edbreston in communa de Roston et Wykham et ea fugavit de foresta usque Hakenesse et ea ibi imparcavit contra assisam foreste quousque homines dicte villate finem fecerant cum eo per dimidiam marcam pro dictis averiis liberandis; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit et finem fecit occasione predicta per dimidiam marcam per plegium Henrici de Kelk et Radulphi de Morton.

Iidem jurati presentant quod Johannes de Shirburn cariauit maeremium de Stonidale infra forestam ad estimacionem unius quercus precii vj<sup>d</sup> usque Shirburn ad domos suas ibi edificandas contra assisam foreste; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit et finem fecit cum domino per plegium Thome Bret et Radulphi de Morton prout patet in extractis.

Iidem jurati presentant quod Hugo de Yeland nuper forestarius equites del Estward [261b] istius foreste colore ballive sue habet unum jumentum cum duobus staggis in Haia de Scalby, et quod propter desidiam ipsius Hugonis et insufficientem custodiam siccus boscus et ramunculi a predicta Haia de Scalby annuatim deportantur ad dampnum domini ij<sup>s</sup>; et idem Hugo colore ballive sue capit de quolibet

The jury also present that Robert de Wygan, late riding forester, under colour of his office, took cattle belonging to Ebberston in the common of Ruston and Wykeham, drove them out of the forest to Hackness, and impounded them there contrary to the assize of the forest until the men of Ebberston had redeemed them for 6<sup>s</sup> 8<sup>d</sup>. He is summoned, appears, and compounds for 6<sup>s</sup> 8<sup>d</sup>. Sureties, Henry de Kelk and Ralph de Morton.

The jury also present that John de Shirburn carried timber, estimated to consist of an oak worth 6<sup>d</sup>, from Staindale [?] within the forest, to Shirburn to build his houses there, contrary to the assize of the forest. He is summoned, appears, and compounds as appears elsewhere. Sureties, Thomas Bret and Ralph de Morton.

The jury also present that Hugh de Yeland, late riding forester of the East Ward, under colour of his bailiwick, keeps a mare and two colts in Scalby Hay, and through his sloth and insufficient watchfulness dry wood and small branches are yearly carried away from the Hay, causing the Earl to suffer damage amounting to 2<sup>s</sup>. Furthermore, Hugh, under colour of his bailiwick, takes half a bushel of oats from

\* At Vol. II., N.S., p. 198, he is only called forester. This is the first mention of the office.

homine de Hartoft dimidium bussellum avene\* in magnam oppressionem hominum predictorum ; ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit et finem fecit prout alibi patet.

Iidem jurati presentant quod cum Johannes† de Monemuth viginti solidos, unum toftum et duas bovatas terre cum pertinenciis in Pikeryng habeat, Johannes Scot triginta solidos per annum et Willelmus Courtman quinque solidos de domino habeant essendi forestarii in le Westward ad custagia domini, tamen predicti Johannes de Monemuth, Johannes et Willelmus superonerant omnes homines de victu suo et garcionum suorum sibi prestando ad nocumentum patrie ; ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt et finem fecerunt prout alibi patet.

Iidem jurati presentant quod Ricardus Cokard de Helmesley, Johannes de Harlay, Willelmus Gower forestarius de Scalby, Langedon et Foulewode colore officii sui colligunt garbas in autumpno et lanam et habent garciones ad victum patrie, ubi nullos habere debuerunt ad nocumentum et dampnum patrie. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt predicti Ricardus, Johannes et Willelmus et fecerunt finem pro se cum domino prout patet in rotulis de extractis. Ideo nichil ulterius de eis.

Iidem jurati presentant quod Johannes de Shirburn extraxit maeremium cujusdam domus in Pykeryng que est infra forestam usque

every man of Hartoft, greatly oppressing the village. He is summoned, appears, and compounds as appears elsewhere.

The jury also present that whereas John de Monmouth has 20<sup>s</sup> [? a year] a toft and two oxgangs of land, with the appurtenances in Pickering, John Scot 30<sup>s</sup> a year, and William Courtman 5<sup>s</sup> at the Earl's expense for being foresters in the West Ward, yet they surcharge all the inhabitants with their living and that of their servants, annoying the country. They are summoned, appear, and compound as appears elsewhere.

The jury also present that Richard Cockard of Helmsley, John de Harlay, and William Gower, forester of Scalby, Langdale, and Fullwood, under colour of their office, collect sheaves in autumn and wool and keep servants on board in the country, as they ought not, annoying and injuring the country. They are summoned, appear, and make composition as appears in the Estreat Rolls. Further proceedings are stayed against them.

The jury also present that John de Shirburn drew the timber of a

\* See Foster oats, Vol. II., N.S., p. 7.

† *Sic* in Exchequer and evidently altered from *homines* which occurs in the Duchy Coucher.

Shirburn extra forestam, et quod Johannes Bele de Westheselarton extraxit maeremium cujusdam grangie in Pykeryng que est infra forestam usque Westheselarton extra forestam, et quod idem Johannes de Shirburn et Thomas Bret similiter extraxerunt maeremium cujusdam domus apud Pikeryng infra limites foreste usque Shirburn extra forestam ad dampnum domini et contra assisam foreste. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt predicti Johannes de Shirburn, Johannes Bele et Thomas, et quilibet eorum fecit finem pro se cum domino prout patet in rotulis de extractis. Ideo nichil ulterius de eis.

Iidem jurati presentant quod Henricus de Hykkelyng, Senescallus Thome Wake de Lydel domini de Cropton, dedit cuidam Johanni de Monemuth duos ramos quercuum in le Frith absque alicujus forestarii liberacionem [? liberacione] contra assisam foreste. Ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Henricus et finem fecit cum domino per xx<sup>d</sup> prout patet in rotulis de extractis. Ideo nichil ulterius de eo.

Iidem jurati presentant quod Willelmus de Shepley, Rogerus de Fissheburn, Ricardus Dayes, Willelmus de Fissheburn, Thomas de Bosshale, Ricardus Cholman, Bartholomeus de Flaucourt [? Fanacourt], Galfridus de Lepyndon, Thomas Sturmy, [262] Robertus Tuphirst, Michael Forestarius, Willelmus filius Thome de Egton, Thomas de Pykton et Johannes Barbour vi et armis impediverunt regardatores facere regardum suum in foresta predicta in Ravenclyf in dampnum et contemptum domini. Ideo preceptum est vicecomiti quod venire

house in Pickering within the forest to Shirburn without the forest, and John Beal of West Heselerton drew the timber of a barn in Pickering within the boundaries of the forest to West Heselerton without the forest, and John de Shirburn and Thomas Bret likewise drew the timber of a house at Pickering within the boundaries of the forest to Shirburn without the forest, injuring the Earl and contrary to the assize of the forest. They are summoned, appear, and each makes composition as appears in the Estreat Rolls. Further proceedings are stayed against them.

Henry de Hickling, steward to Thomas Wake of Liddel, Lord of Cropton, gave two oak branches to one John de Monmouth without livery of the foresters contrary to the assize of the forest. He is summoned, appears and makes composition for 1<sup>s</sup> 8<sup>d</sup> as appears in the Estreat Rolls. Further proceedings are stayed against him.

Several men forcibly impeded the regarders from making their regard at Raincliff within the forest, thereby injuring and insulting the Earl. They are summoned and appear. Roger de Fishburn and

faciat eos. Postea venerunt predicti Willelmus et omnes alii, et predictus Rogerus de Fisseburn protulit cartam domini de pardonacione istius transgressionis sibi facte, et predictus Johannes Barbour protulit literam domini Justiciariorum hic directam que testatur quod dominus pardonavit ei transgressionem predictam. Ideo ipsi ad presens eant inde quieti. Et predicti Willelmus et omnes alii fecerunt finem prout alibi patet in rotulis de extractis etc.

Idem jurati presentant quod Edmundus Lacy de Folketon, Willelmus de Salford persona ecclesie de Folketon et Robertus de Yemelyne\* jam diu post ultimum iter Justiciariorum istius foreste fecerunt quendam purpresturam in foresta ista que continet quater viginti acras pasture de marisco infra forestam istam, illam includendo ex parte una longitudinis dimidie acre † et appropriando sibi dictum solum et illum solum asserendo non esse de foresta; precii cujuslibet acre per annum iii<sup>d</sup>; nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt predicti Edmundus et Willelmus et dicunt quod nullum clausum fecerunt ibidem: dicunt preterea quod villata de Folketon est omnino extra forestam preter quandam placeam continentem triginta acras pasture versus Cayton distans ab eis, ultra quandam partem marisci in eadem foresta que est eadem placea de qua fit mencio superius in presentatione, qui quidem mariscus in ultimo Itinere Justiciariorum istius foreste, tempore Edmundi nuper Comitis Lancastrie, patris domini Comitis nunc, arentatus fuit ipsi Comiti et heredibus suis per Ricardum Lacy patrem ipsius Edmundi per v<sup>s</sup> per annum annuatim eidem Comiti

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John Barbour produce pardons from the Earl; the rest make composition as appears in the Estreat Rolls.

Edmund Lacy of Folkton, William de Salford, Rector of Folkton, and Robert de Themelyne, long after the last Eyre, made a purpresture in the forest containing eighty acres of pasture in the marsh (at 4<sup>d</sup> an acre), by inclosing half an acre in length [?] and appropriating the ground, asserting that it was no part of the forest, by what right they know not. They are summoned, appear, and deny having made an inclosure. Moreover they say that the township of Folkton is entirely without the forest except a piece of ground containing thirty acres some distance from them at Cayton, and besides the piece of ground mentioned in the indictment being a portion of the marsh in the forest, which marsh at the last Eyre in the days of Edmund, Earl of Lancaster, was rented from the Earl and his heirs by Richard Lacy, father of Edmund, at the annual rent of 5<sup>s</sup>, to be paid to the Earl

\* Themelyne in Exchequer.

† I apprehend that this is corrupt. Probably *leuce* is the true reading.

solvendos pro chacea et rechacea sua ad pasturam suam predictam habenda, quem quidem redditum homines ejusdem ville adhuc solvunt, et sic dicunt quod ipsi tenent placeam illam de domino Comite pro reddito predicto absque aliqua injuria seu purprestura contra assisam foreste facienda, et hoc petunt quod inquiratur. Ideo inquiratur inde veritas per ministros istius foreste et alios. Qui scilicet forestarii, viridarii et regardatores ad hoc electi et jurati dicunt super sacramentum suum quod mariscus de quo fit mencio in presentacione continet in se quater viginti acras pasture et est infra forestam et pertinet ad villam [? villas] de Lebreston, Kilwardby et Cayton, ita quod predicta villa de Folketon que est omnino extra forestam et predicte ville de Lebreston, Kilwardby et Cayton que sunt infra forestam inter se non comunant, set dicunt quod in ultimo itinere Justiciariorum istius foreste homines predicte ville de Folketon dictum mariscum arentarunt domino Edmundo nuper Comiti, patri Comitibus nunc, pro v<sup>s</sup> per annum annuatim eidem Comiti et heredibus suis solvendis imperpetuum pro communa sua ibidem habenda, qui quidem redditus adhuc annuatim solvitur custodi Castri de Pikeriing. Quesiti eciam iidem jurati si [262b] predictus mariscus plus valeat per annum quam predictos quinque solidos, qui dicunt quod predictus mariscus valet per annum xiiij<sup>s</sup> iiij<sup>d</sup>, et quod non est ad dampnum domini neque ad nocumentum ferarum istius foreste licet homines predicti de Folketon habeant communam pasturam in marisco predicto pro xiiij<sup>s</sup> iiij<sup>d</sup> per annum. Ideo iidem Edmundus, Willelmus et Robertus et homines ville predicte de Folketon onerentur erga dominum de superplusagio

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for the right of driving cattle to and from the pasture. This rent the men of the village still pay, wherefore they claim that in holding the piece of ground at the above rents they do no injury or purpresture or aught contrary to the assize of the forest. They ask that an inquiry may be directed. The foresters, verderers, and regarders chosen and sworn say on their oaths that the marsh mentioned in the indictment contains eighty acres of pasture, is within the forest and belongs to the townships of Lebberston, Killerby, and Cayton, so that these townships and the township of Folkton, which is entirely outside the forest, do not intercommon, but they say that at the last Eyre the men of the township of Folkton rented a right of common in the marsh from Earl Edmund at the annual rent of 5<sup>s</sup>, to be paid to the Earl and his heirs, which rent is still paid annually to the keeper of Pickering Castle. Being asked whether the marsh is worth more than 5<sup>s</sup> a year, they say that it is worth 13<sup>s</sup> 4<sup>d</sup>, and that it will not injure the Earl or annoy the deer of the forest if the men of Folkton enjoy their common of pasture in the marsh at the rent of 13<sup>s</sup> 4<sup>d</sup>. Therefore Edmund,



valoris marisci predicti per annum a principio istius instantis itineris usque nunc videlicet pro quinque annis,\* ultra v<sup>s</sup>, quolibet anno viij<sup>s</sup> iiij<sup>d</sup>, qui se extendit ad xlj<sup>s</sup> viij<sup>d</sup>, et dictum est eisdem quod amodo ibidem non communant nisi pro predicto reddito xij<sup>s</sup> iiij<sup>d</sup> † annuatim domino Comiti solvendo periculo quod incumbit juxta assisam foreste.

Iidem jurati presentant quoad articulum de thesauro invento infra limites foreste quod Willelmus de Touthorp et Agnes uxor ejus, Alicia que fuit uxor Willelmi de Maulay et Willelmus de Langebarn [? Langebaurgh] vagantes per medium istius foreste invenerunt in quodam loco vocato Wydaleheved et Bonestauris infra forestam istam thesaurum scilicet aurum, argentum et alia jocalia ad valenciam viginti librarum quod domino Comiti pertinet, et asportaverunt, et manentes sunt in patria. Ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt et dicunt quod ipsi nullum thesaurum invenerunt prout eis imponitur et de hoc ponunt se super patriam. Et jurati ad hoc electi dicunt super sacramentum suum quod predicti Willelmus Langebarn, Alicia et Willelmus de Touthorp et Agnes uxor ejus nullum thesaurum invenerunt sicut de eis presentatum est. Ideo ipsi eant inde sine die.

Iidem jurati presentant quod Edmundus de Lacy [et] Willelmus de Brygham de Flixton vi et armis et contra pacem domini Regis impedi-  
verunt regardatores istius foreste facere regardum in Cayton Ker,

William, and Robert, and the men of the township of Folkton are charged in favour of the Earl with the excess of value from the commencement of the present Eyre—*i.e.*, five years at 8<sup>s</sup> 4<sup>d</sup> a year, in all £2 1<sup>s</sup> 8<sup>d</sup>, and they are forbidden under penalties imposed by the assize of the forest to common in future except at the rent of 13<sup>s</sup> 4<sup>d</sup>.

As to treasure trove within the forest, William de Touthorp and Agnes his wife, Alice, late wife of W<sup>m</sup>. de Maulay, and W<sup>m</sup>. de Langebaurgh, whilst wandering through the forest found at Wydale Head and Bonestauris [?] treasure consisting of gold, silver, and other jewels to the value of £20, which belongs to the Earl, and carried it off. They are summoned, appear, deny that they found any treasure as charged, and ask that an inquiry may be directed. The jury chosen for this purpose say on their oath that the persons indicted found no such treasure. Therefore they are acquitted.

Edmund de Lacy and William de Brigham, of Flixton, forcibly and against the Earl's peace prevented the regarders of the forest from making their regard in Cayton Carr, Lebbeston Carr, and Osgodby

\* This is interesting as showing the duration of the Eyre.

† But later they seem to have paid only the old rent of 5s. See Vol. I., N.S., pp. 19, 52.

Lebreston Ker et Osgodby Ker prout eis de mandato domini Regis injunctum fuit, et manentes sunt in patria. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt predicti Edmundus et Willelmus et dicunt quod ipsi in nullo sunt culpabiles de transgressione predicta et de hoc ponunt se super ministros ejusdem. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc electi dicunt super sacramentum suum quod predicti Edmundus et Willelmus in nullo sunt culpabiles de transgressione predicta. Ideo ipsi eant inde quieti.

Iidem jurati presentant quod Robertus Themelyn de Folketon, Philippus serviens Simonis de Aton, Thomas de Helme, Ricardus le Taillour, Robertus le Shortred, Willelmus Cook, Willelmus filius Johannis Lacy, Galfridus serviens persone de Folketon et Robertus Chamberlayn et alios [? alii] quamplures homines ville de Folketon qui sunt omnino extra forestam jam viginti quatuor annis elapsis superoneraverunt pasturam in quodam marisco infra forestam istam prope predictam villam [263] de Foweton cum averiis suis et similiter combusserunt decem cassos\* turbarum, flaggorum et cirporum quos homines ville de Lebreston, Gristhorp, Cayton et Osgodby coadunaverant sumptibus suis propriis tanquam in communia sua pro expensis suis ivernagii in exilium et nocumentum ferarum domini istius foreste et contra pacem etc et manentes sunt in patria. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt predicti Robertus et alii et dicunt quod ipsi non superoneraverunt pasturam predictam nec aliquos hujusmodi cassos combusserunt sicut de eis superius presentatum est et de hoc ponunt se super patriam. Ideo fiet inde Jurata. Qui scilicet forestarii, viridarii et regardatores ad hoc electi et jurati dicunt super sacramentum suum quod quoad superone-

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Carr, as they were bidden to do by the King's order. They are summoned, appear, and plead not guilty of the offence, and ask that an inquiry may be directed. They are found not guilty and acquitted.

Robert Themelyn, of Folkton, Philip, servant of Simon de Aton, Thomas de Helme, Richard the Tailor, Robert le Shortred, William Cook, William, son of John Lacy, Geoffrey, servant of the Rector of Folkton, Robert Chamberlain, and several other men of Folkton which is entirely outside the forest, have for the last four-and-twenty years surcharged with their cattle the pasture in a certain marsh within the forest, near the village of Folkton, and likewise have burnt ten stacks of turves, sedges, and rushes which the men of Lebberston, Gristhorpe, Cayton, and Osgodby had at their own expense collected for the winter in exercise of their common rights. They are summoned,

\* Evidently either a clerical error or synonym for *tassos*, which occurs later.

racionem pasture in nullo sunt culpabiles. Dicunt eciam quod cum distancia fuisset inter villatas de Lebreston, Gristhorp, Cayton et Osgodby et predictam villam de Foweton pro quadam placea prati predictarum villarum que sunt infra forestam, et ipse villate pratum\* suum predictum falcarunt et tassos inde fecerunt, predicti homines de Foweton tassos predictos totaliter et maliciose combusserunt. Ideo predicti Robertus et alii quoad superoneracionem pasture eant inde quieti, et quoad residuum capiantur. Postea venerunt predicti Galfridus et Robertus Chamberleyn et fecerunt finem cum domino, videlicet predictus Galfridus pro quinque solidis et predictus Robertus pro quinque solidis prout patet in rotulis de extractis.

Iidem jurati presentant quod Michael de Bulmere de Aton et Ricardus Rideman, Thomas de Snaynton, Johannes Pedes, Willelmus de Osgodby, Johannes Ryntour, Robertus Derlyng, Johannes Tomelynsone de Irton, Johannes Pedour, Willelmus de Osgodby,† et Johannes filius Ricardi le Clerc consueti sunt fodere turbas in marisco de Hoton extra comunam suam in foresta ista, et similiter depascere averia sua ibidem ubi non habent comunam ad dampnum domini et nocumentum ferarum. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea venerunt predicti Michael et alii et dicunt quod non possunt hoc dedicare. Ideo ipsi committuntur prisone. Postea venerunt et pecierunt quod possunt admitti ad finem faciendum cum domino in hac parte et admittuntur per quadraginta solidos per plegium alter alterius.

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appear, and deny that they have surcharged the pasture or burnt the stacks. They ask that an inquiry may be directed. They are found not guilty of surcharging the pasture, but the jury say that when there was a difference between the townships of Leberston, Gristhorpe, Cayton, and Osgodby on the one hand, and Folkton on the other hand with regard to a piece of meadow belonging to the first-mentioned townships which are within the forest, and such townships mowed and stacked their hay, the men of Folkton maliciously burnt the stacks completely. Afterwards Geoffrey and Robert Chamberlain appear and each compound for five shillings.

Michael de Bulmer, of Ayton, and others are wont to cut turves in Hutton Marsh beyond the common rights in the forest, and likewise to feed their cattle there where they have no common. They are summoned, appear, plead guilty, and are sentenced to be imprisoned. Afterwards, at their request, they are permitted to compound for 40s, one being surety for another.

\* I translate this hay for want of a better word. But it no doubt refers to the sedge<sup>s</sup> that grow on a marsh.

† These two names are probably merely repetition.

Iidem jurati presentant quod Henricus le Fouler de Bergh, Adam le Fouler de Aton, Willelmus Hare et Willelmus Fox sunt captores volucrum in foresta cum visco, laquibus et aliis ingeniis ad nocumentum ferarum et dampnum domini. Ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt et finem fecerunt cum domino Comite prout patet in rotulis de extractis.

Iidem jurati presentant quod Gilbertus de Aton\* summoniri fecit per duos annos post summonicionem istius itineris cotarios et tenentes de Hoton veniendum ad Curiam suam in Hoton pro herbagio depasto cum averiis suis in foresta ista contra assisam foreste, nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eum etc. Postea venit predictus Gilbertus et inde allocutus dicit quod non potest hoc dedicere. Ideo ipse committitur prisone. Postea venit et peccit quod possit [263b] admitti ad finem faciendum cum domino in hac parte et ei conceditur per ij marcas per plegium Willelmi Plays chivaler et Thome Bret prout alibi patet.

Iidem jurati presentant quod Gilbertus de Aton attraxit [? ad] boscum suum de Troucedale quem clamat tenere extra regardum de bosco et mora istius foreste qui est infra regardum apud Blaklousenese circiter numerum viginti acrarum more et amplius, nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eum. Postea venit predictus Gilbertus et dicit quod ipse nichil attraxit ad boscum qui est extra regardum de bosco et mora istius foreste prout de eo presentatum

Henry the Fowler, of Barugh, Adam the Fowler, of Ayton, William Hare and William Fox catch birds in the forest by means of birdlime, nets, and other contrivances. They are summoned, appear, and compound as appears by the Estreat Rolls.

Gilbert de Ayton during two years after the commencement of the Eyre caused the cottars and tenants of Hutton Bushell to be summoned to appear at his Court for having pastured the herbage in the forest with their cattle contrary to the assize of the forest: by what right is not known. He is summoned, appears, pleads guilty and is sentenced to be imprisoned. At his request he is allowed to compound for £1 6s 8d. Sureties, Sir W<sup>m</sup>. Plays and Thomas Bret.

Gilbert de Ayton has extended his claim to hold Troutsdale Wood outside the regard of the forest by adding over twenty acres of moor at Backleys Point [?], which should be within the regard. He is

\* I apprehend that the Justice Court when sitting assumed exclusive jurisdiction, and the powers of smaller Courts were, for the time being, suspended, so that it was an offence for the latter to exercise a jurisdiction which, at another time, could have been lawfully exercised.

est et petit quod inquiratur per omnes ministros istius foreste. Ideo inquiratur\* inde veritas per eosdem.

Iidem jurati presentant quod cum in instanti itinere allocatum sit forestariis de feodo in le Estward [? Westward] in clamiis suis quod habeant cabilicia illa videlicet que per hachettum subforestariorum possunt dilacerari a stipidibus et non alia, Willelmus de Percy [? Percehay] miles unus forestariorum de feodo grandes ramos quercuum vento in parte a stipidibus dilaceratos et quosdam ad terram inclinatos et quosdam ad terram prostratos qui per cornerium hachetti sui non poterat dilacerare a stipidibus et quosdam radices grandes quercuum indies similiter fodit, succidit et asportavit ad dampnum domini. Ideo preceptum est vicecomiti quod venire faciat eum. Postea venit predictus Willelmus de Percy et inde allocutus dicit quod ipse nichil fecit contra allocacionem in instanti itinere sibi factam et hoc petit quod inquiratur per ministros ejusdem foreste. Ideo inquiratur per eosdem. Qui scilicet viridarii † et regardatores ad hoc jurati dicunt super sacramentum suum quod idem Willelmus cepit tres carrectatas bosci de grandis [? grandibus] ramis et stipidibus et radicibus quercuum contra formam allocacionis sibi facte. Ideo idem Willelmus committitur prisone et forestaria predicta capiatur in manum domini. Postea venit predictus Willelmus et peccit quod possit admitti ad finem faciendum cum domino Comite in hac parte et pro forestaria sua rehabenda et admittitur per finem xij<sup>s</sup> iij<sup>d</sup> prout patet in rotulis de finibus.

summoned, appears, pleads not guilty and claims an inquiry. The inquiry is directed.

The jury present that whereas in the present Eyre the claims of the foresters of fee in the Westward to have such browsewood as could be cut from the stems by the billhooks of the under foresters and none else was allowed, yet Sir William de Percehay, one of the foresters of fee, has cut off huge branches of oak partly severed from the stems by the wind, and some that were hanging down to the ground, and some that were felled to the ground which he could not sever with the edge of his billhook, and has dug up some huge roots of oaks and carried all away. He is summoned, appears, and denies that he has done aught in contravention to the claim as allowed. He asks for an inquiry which is directed. The verderers and regards say that he took three cartloads of wood, composed of huge branches, stems, and roots, in contravention of what he was allowed. He is sentenced to be imprisoned and his office is seized in the Earl's hands. Afterwards, at his request, he is permitted to compound for his offence and for the restoration of his office at the sum of 13<sup>s</sup> 4<sup>d</sup>.

\* See later p. 98.

† The omission of foresters may be intentional.

De transgressione viridis tam infra dominica quam extra post ultimam assisam in foresta ista presentant iidem ministri et jurati quod Galfridus filius Juliane qui obiit cepit in Haia de Pikeryng infra dominicum unam quercum viridem precii ij<sup>d</sup>. Ideo respondeat domino Comiti Simon Sage de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Hugo filius Galfridi qui obiit cepit apud Pikeryng spinas et corulos extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde Willelmus Cut de Kirkeby tenens terrarum et tenementorum que fuerunt ipsius Hugonis respondebit.

[264] Item presentant quod Johannes le Fotur qui obiit cepit ibidem virgas et corulos extra dominicum absque waranto. Ideo ipse in misericordia, unde Robertus Wygan tenens terrarum et tenementorum que fuerunt ipsius Johannis respondebit.

Item presentant quod Johannes de Aslacby super Tese cepit in haia predicta infra dominicum quatuor quercus precii iiij<sup>d</sup>, et dimissus fuit per manucapcionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis et predictus Johannes respondebit domino de precio viridi predicti et pro forisfactura ejusdem iiij<sup>s</sup>. Postea testatum est quod manucaptores sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Rogerus Lagan qui obiit cepit ibidem infra

Offences of vert within the demesne and without committed since the last assize of the forest.

Geoffrey, son of Juliana, deceased, took in Pickering Hay [? Blansby Park] within the demesne a green oak, value 2<sup>d</sup>. Simon Sage is responsible for the value and for a fine of 2<sup>s</sup>.

Hugh, son of Geoffrey, deceased, took thorns and hazels outside the demesne at Pickering without livery of the foresters or warrant. His successor, William Cut, of Kirkby, is responsible.

John le Fotour, deceased, took poles and hazels outside the demesne without warrant. His successor, Robert Wygan, is responsible.

John de Aislaby upon Tees took in Pickering Hay within the demesne four oaks, value 4<sup>d</sup>. He was let out on bail but has not surrendered, and does not appear. His bail are to be sentenced. To judgment with his bail, and he is responsible for the value and for a fine of 4<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings are stayed against them.

Roger Lagan, deceased, took there within the demesne two oaks, value 2<sup>d</sup>. His successor, John. his son and heir, is responsible. Fine 2<sup>s</sup>.

dominicum duas quercus precii ij<sup>d</sup>, unde Johannes filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Rogeri respondebit de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Alanus de Sneynton qui obiit cepit ibidem extra dominicum unam quercum absque liberatione forestariorum sive waranto, ideo ipse in misericordia, unde Margareta filia ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Alani respondebit.

Item presentant quod Thomas vicarius ecclesie de Thornton qui obiit cepit infra dominicum unam viridem quercum precii ob., unde Johannes de Chymyne tenens terrarum et tenementorum que fuerunt Willelmi de la Chymyne manucaptoris predicti Thome respondebit de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>.

Item presentant quod Johannes filius Ade prepositi de Pikerieng qui obiit cepit in Haia predicta infra dominicum unam quercum precii ij<sup>d</sup>, unde Galfridus et Emma filii ejusdem Johannis tenentes terrarum et tenementorum que fuerunt ipsius Johannis respondebunt de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Willelmus filius Hugonis de Sneynton qui obiit cepit ibidem infra dominicum unam viridem quercum precii ob., unde Willelmus de Persay miles, Adam de Haukesgarth, Galfridus Spayne et Willelmus tenentes terrarum et tenementorum que fuerunt Rogeri de Wrelton manucaptoris predicti Willelmi filii Hugonis respondebunt de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>.

Item presentant quod Willelmus Perceval qui obiit cepit ibidem infra dominicum unam viridem quercum precii ij<sup>d</sup>, unde Agnes que fuit uxor Thome filii Willelmi Perceval tenens terrarum et tenemen-

William de Snainton, deceased, took there without the demesne an oak without livery of the foresters or warrant. Margaret, his daughter and heiress, is responsible.

Thomas Vicar, of Thornton, deceased, took within the demesne a green oak, value  $\frac{1}{2}$ <sup>d</sup>. John de Chimyne, successor to William de la Chymyne, one of his bail, is responsible. Fine 6<sup>d</sup>.

John, son of Adam, reeve of Pickering, deceased, took an oak within the demesne in the Hay, value 2<sup>d</sup>. His children and successors, Geoffrey and Emma, are responsible. Fine 2<sup>s</sup>.

William, son of Hugh de Snainton, deceased, took there within the demesne a green oak, value  $\frac{1}{2}$ <sup>d</sup>. Sir William de Percehay, Adam de Hawsker, Geoffrey Spayne, and William, successors to Roger de Wrelton, one of his bail, are responsible. Fine 6<sup>d</sup>.

William Perceval, deceased, took there within the demesne a green oak, value 2<sup>d</sup>. Agnes, widow of Thomas, his son and successor, is responsible. Fine 2<sup>s</sup>.

torum que fuerunt ipsius Willelmi respondebit de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Willelmus de Dogelby qui obiit cepit ibidem infra dominicum unam quercum viridem precii j<sup>d</sup>, unde Willelmus le Barker de Dolgelby tenens terrarum et tenementorum que fuerunt ipsius Willelmi respondebit de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Thomas del Hunthous qui obiit cepit in Haia de Pikering xl virides querculos precii vj<sup>s</sup> j<sup>d</sup>, unde Nicholaus filius et heres ipsius Thome tenens terrarum et tenementorum que fuerunt ipsius Thome respondebit de precio viridi predicti et pro forisfactura ejusdem iij li. xiiij<sup>s</sup>.

[264b] Item presentant quod Ricardus atte Uphall qui obiit cepit ibidem extra dominicum unam viridem quercum absque liberacione forestariorum sive waranto, ideo ipse in misericordia, unde Ricardus del Uphall tenens terrarum et tenementorum que fuerunt ipsius Ricardi atte Uphall respondebit.

Item presentant quod Petrus Walnut qui obiit cepit ramunculos quercuum extra dominicum absque liberacione forestariorum sive waranto, ideo ipse in misericordia, unde Alexander de Bergh tenens terrarum que fuerunt Bernardi de Bergh nuper unius viridariorum et manucaptoris\* ipsius Petri et Willelmus Latymer tenens terrarum et tenementorum que fuerunt Roberti del Clif nuper alterius viridariorum et manucaptoris ejusdem Petri respondebunt.

Item presentant quod Thomas Colyer qui obiit cepit ibidem extra

William de Duggleby, deceased, took there within the demesne a green oak, value 1<sup>d</sup>. William, the tanner of Duggleby, his successor, is responsible. Fine 1<sup>s</sup>.

Thomas del Hunt House, deceased, took in Pickering Hay forty green oak saplings, value 6<sup>s</sup> 1<sup>d</sup>. His successor, Nicholas, his son and heir, is responsible. Fine £3 13<sup>s</sup> 0<sup>d</sup>.

Richard atte Uphall, deceased, took there without the demesne a green oak without livery of the foresters or warrant. His successor, Richard del Uphall, is responsible.

Peter Walnut, deceased, took some small oak branches without the demesne without livery of the foresters or warrant. Alexander de Bergh, successor to Bernard de Bergh, and William Latymer, successor to Robert del Cliffe, late verderers and bail for Peter, are responsible.

Thomas Collyer, deceased, took there without the demesne a green

\* Manucaptor presents some difficulty. Apparently this offender and others had been already fined, and the verderers or their successors are called to answer for the fines.



dominicum unam viridem quercum absque liberacione forestariorum sive waranto, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod Robertus Tan de Ellerburn qui obiit cepit in Haia de Scalby viij virides quercus infra dominicum precii viij<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem viij<sup>s</sup>.

Item presentant quod Austinus Crote qui obiit cepit infra dominicum sex virides quercus precii vj<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>.

Item presentant quod Willelmus filius Beatricis qui obiit cepit ibidem vj virides quercus infra dominicum precii vj<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>.

Item presentant quod Stut de Ellerburn qui obiit cepit ibidem extra dominicum unam viridem quercum absque liberacione forestariorum sive waranto, ideo ipse in misericordia, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod Austinus prepositus qui obiit cepit ibidem infra dominicum unam viridem quercum precii j<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Stephanus filius Alani qui obiit cepit ibidem extra dominicum unam viridem quercum sine liberacione forestariorum

oak without livery of the foresters or warrant. The same persons responsible.

Robert Tan, of Ellerburn, deceased, took eight green oaks within the demesne in Scalby Hay, value 8<sup>d</sup>. The same persons responsible. Fine 8<sup>s</sup>.

Austin Crote, deceased, took within the demesne six green oaks, value 6<sup>d</sup>. The same persons responsible. Fine 6<sup>s</sup>.

William, son of Beatrice, deceased, took there\* six green oaks, value 6<sup>d</sup>. The same persons responsible. Fine 6<sup>s</sup>.

Stut of Ellerburn, deceased, took there without the demesne a green oak without livery of the foresters or warrant. The same persons responsible.

Austin the reeve, deceased, took there within the demesne a green oak, value 1<sup>d</sup>. The same persons responsible. Fine 1<sup>s</sup>.

Stephen son of Alan, deceased, took there without the demesne a

\* ? In Scalby Hay.

sive waranto, ideo ipse in misericordia, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod Johannes Gentil qui obiit cepit in Gundale infra dominicum unam viridem quercum precii j<sup>d</sup> unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Willelmus filius Haket qui obiit cepit ibidem infra dominicum unam viridem quercum precii j<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Robertus de Hampton persona ecclesie de Midelton cepit tres virides quercus per diversas vices subtus Cropton Castel, et idem persona cepit tercia vice ibidem unam viridem quercum extra dominicum domini absque liberacione forestariorum sive waranto, ideo ipse in misericordia.

Item presentant quod Prior de Malton cepit viridem boscum de spina et corulis in [265] Aleyntoftes infra dominicum precii xx<sup>s</sup>, et cariauit usque Scardeburgh pro allece suo desiccando, qui quidem Prior a tempore illo inventus non fuit infra limites istius foreste, tamen modo venit coram Justiciariis et super hoc convictus respondebit domino Comiti pro precio viridi predicti et pro forisfactura c<sup>s</sup>.

Item presentant quod Robertus le Lyttester cepit unam viridem querculam et spinas et corulos crescentia in dominicis domini de Pikeryng, precii viridi ij<sup>d</sup>, et dimissus fuit per manucapcionem usque ad

green oak without livery of the foresters or warrant. The same persons responsible.

John Gentle, deceased, took in Gundale within the demesne a green oak, value 1<sup>d</sup>. The same persons responsible. Fine 1<sup>s</sup>.

William, son of Hacket, deceased, took there within the demesne a green oak, value 1<sup>d</sup>. The same persons responsible. Fine 1<sup>s</sup>.

Robert de Hampton, Rector of Middleton, took at different times three green oaks below Cropton Castle, and on a third occasion took there a green oak, without the demesne, without livery of the foresters or warrant. In mercy.

The Prior of Malton took green hue of thorn and hazels in Allantofts within the demesne, value £1, and carried it to Scarborough for kippering his herrings. The Prior has never since then been found within the boundaries of the forest, but he appears, and being convicted is responsible for the value and a fine of £5.

Robert the Dyer took a green oak sapling, thorns, and hazels growing in the Earl's demesnes at Pickering, value 2<sup>d</sup>. He was let out on bail, but has not surrendered and does not appear. To judgment with

istam assisam qui modo non venit nec prius &c, ideo ad iudicium de manucaptoribus suis, et predictus Robertus respondeat de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>. Postea testatur quod manucaptors sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Willelmus Godyer de Brokesay cepit unam viridem quercum in Legedon [? Langedon] versus orientem infra dominicum precii vj<sup>d</sup> et dimissus fuit per manucapcionem usque ad istam assisam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis, et predictus Robertus [? Willelmus] respondeat domino de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>. Postea manucaptors predicti finem fecerunt prout alibi patet.

Item presentant quod Robertus Boulot cepit unam viridem quercum ibidem infra dominicum precii ij<sup>d</sup> et dimissus fuit per manucapcionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis, et predictus Robertus respondeat domino de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>. Postea testatum est quod manucaptors sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Thomas Ulf cepit duas virides quercus ibidem infra dominicum precii vj<sup>d</sup> et dimissus fuit per manucapcionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis, et predictus Thomas respondeat domino de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>. Postea testatum est quod manucaptors sui obierunt, ideo nichil ulterius de eis.

his bail. He is responsible for the value and a fine of 2<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

William Godyer, of Broxa, took a green oak in Langdale East within the demesne, value 6<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 6<sup>s</sup>. Afterwards his bail compounded, as appears elsewhere.

Robert Bowlot took a green oak there within the demesne, value 2<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 2<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Thomas Ulf took two green oaks there within the demesne, value 6<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 6<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Item presentant quod Thomas Cheseman de Gotheland cepit unam viridem quercum in Gotheland infra dominicum precii ij<sup>d</sup>, et dimissus fuit per manupacionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manupactoribus suis, et predictus Thomas respondeat domino de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>. Postea testatum est quod manupactores sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Rogerus filius Nicholai cepit unam viridem quercum in Gundale infra dominicum precii iij<sup>d</sup>, et dimissus fuit per manupacionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manupactoribus suis, et predictus Rogerus respondeat domino de precio viridi predicti et pro forisfactura ejusdem iij<sup>s</sup>. Postea testatum est quod manupactores sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Elias Cokerel cepit duas virides quercus in Cropton extra dominicum absque liberacione forestariorum sive waranto, ideo ipse in misericordia.

Item presentant quod idem Elias cepit ibidem tres virides quercus extra dominicum, et Ricardus filius Johannis de Hoton cepit unam robram ibidem absque liberacione forestariorum sive waranto, ideo ipsi in misericordia.

[265b] Item presentatum est quod Abbas de Whiteby cepit unam viridem quercum in Gotheland infra dominicum precii iij<sup>d</sup>, et dimissus fuit per manupacionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manupactoribus suis, et

Thomas Cheseman, of Goathland, took a green oak in Goathland within the demesne, value 2<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 2<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Roger, son of Nicholas, took a green oak in Gundale within the demesne, value 3<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 3<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Elias Cokerel took two green oaks in Cropton without the demesne, without livery of the foresters or warrant. In mercy.

He also took three green oaks there without the demesne, and Richard, son of John de Hutton, took an oak there without livery of the foresters or warrant. In mercy.

The Abbot of Whitby took a green oak in Goathland within the demesne, value 3<sup>d</sup>, and was let out on bail. He has not surrendered

predictus Abbas respondeat domino de precio viridi predicti et pro forisfactura ejusdem iij<sup>s</sup>. Postea testatum est quod manucaptores sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Galfridus Carpentarius de Cropton cepit unam viridem quercum subtus Cropton Castel extra dominicum absque liberacione forestariorum sive waranto, ideo ipse in misericordia.

Item presentant quod Johannes del Cote de Everle qui obiit cepit unam viridem quercum in Haia de Scalby infra dominicum precii vj<sup>d</sup>. Ideo respondeant heredes et tenentes terrarum et tenementorum ipsius Johannis de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>.

Item presentant quod Thomas Waternes qui obiit cepit sex virides quercus et unum ramum ibidem infra dominicum precii iij<sup>d</sup>. Ideo respondeant heredes et tenentes terrarum et tenementorum que fuerunt ipsius Johannis [? Thome] de precio viridi predicti et pro forisfactura ejusdem iij<sup>s</sup>.

Item presentant quod Johannes filius Roberti de Scalby cepit quatuor ciplinges quercuum in Haia de Scalby infra dominicum precii ij<sup>d</sup>, et dimissus fuit per manucapcionem usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis, et predictus Johannes respondeat domino de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>, set quia constabularius qui nunc est cepit viride predictum, ideo respondeat ipse constabularius de precio viridi predicti et predictus Johannes pro forisfactura ejusdem videlicet ij<sup>s</sup>.

and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 3<sup>s</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Geoffrey Carpenter, of Cropton, took a green oak below Cropton Castle, without the demesne, without livery of the foresters or warrant. In mercy.

John del Cote, of Everley, deceased, took a green oak in Scalby Hay within the demesne, value 6<sup>d</sup>. His heirs and successors are responsible. Fine 6<sup>s</sup>.

Thomas Waternes, deceased, took six green oaks and one bough there within the demesne, value 3<sup>d</sup>. His heirs and successors are responsible. Fine 3<sup>s</sup>.

John, son of Robert de Scalby, took four oak saplings in Scalby Hay within the demesne, value 2<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible for the value and a fine of 2<sup>s</sup>. But the present constable is responsible for the value of the vert since he took the vert, and John for the offence

Item presentant quod Robertus Nukkes cepit unam viridem querculam subtus Cropton Castel extra dominicum absque liberacione forestariorum sive waranto, ideo ipse in misericordia, unde Alanus Storour tenens terrarum et tenementorum que fuerunt ipsius Roberti respondeat.

Item presentant quod sex quercus extronate fuerunt in Depedale Sprynges per defectum custodie Johannis de Shafaldon quondam wodewardi de Ebreston, ideo ipse in misericordia, et respondeat Robertus Pecche de Gotheland ejus manucaptor et tenens terrarum et tenementorum que fuerunt ipsius Johannis.

Item presentant quod Elredus de Ellerburn qui obiit expeditavit quendam viridem quercum infra dominicum precii vij<sup>d</sup>, unde Edmundus de Hastyng tenens terrarum et tenementorum que fuerunt ipsius Elredi de precio viridi predicti et pro forisfactura respondeat vij<sup>s</sup>, et idem Edmundus oneretur pro viridi predicto similiter capto in Haia predicta vij<sup>d</sup>.

Item presentant quod Hugo vicarius ecclesie de Ebreston qui obiit cepit unam viridem quercum extra dominicum absque liberacione forestariorum sive waranto, tamen Johannes filius Galfridi et Johannes de la Chymyne executores ejusdem respondeant domino de misericordia.

Item presentant quod Johannes prepositus de Pickering qui obiit cepit duas virides quercus in Oskelunt infra dominicum precii vj<sup>d</sup>, ideo respondeant Galfridus filius ejus et Galfridus atte Mare executores testamenti predicti Johannis [266] de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>.

Robert Nooks took a green oak below Cropton Castle without the demesne, without livery of the foresters or warrant. Alan Storour, his successor, is responsible.

Six oaks were torn up by the roots in Deepdale Springs through lack of care on the part of John de Shafaldon, former woodward of Ebberston. Robert Pecche, of Goathland, his successor and surety, is responsible.

Elred of Ellerburn, deceased, carried off a green oak within the demesne, value 7<sup>d</sup>. His successor, Edmund de Hastings, is responsible for its value, a fine of 7<sup>s</sup>, and also 7<sup>d</sup>, the value of vert likewise taken in the Hay.

Hugh, Vicar of Ebberston, deceased, took a green oak without the demesne without livery of the foresters or warrant. John, son of Geoffrey, and John de la Chymyne, his executors, are responsible.

John the reeve of Pickering, deceased, took two green oaks in Oskelunt [? Askew], value 6<sup>d</sup>. His son, Geoffrey, and Geoffrey atte Mar, his executors, are responsible. Fine 6<sup>s</sup>.

Item presentant quod idem Johannes qui obiit cepit in Gotheland quatuor quercus infra dominicum precii ij<sup>d</sup>, unde iidem Galfridus et Galfridus pro precio viridi predicti respondeant et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Willelmus Sharp de Aleyntoftes forestarius de Aleyntoftes qui obiit prostravit quandam viridem quercum in Aleyntoftes infra dominicum precii vj<sup>d</sup>, ideo respondeat domino Johannes de Irton et Robertus de Wyern tenentes terrarum et tenementorum que fuerunt Willelmi de Irton nuper viridarii del Estward de precio viridi predicti et pro forisfactura ejusdem vj<sup>s</sup>.

Item presentant quod Rogerus de Scalby qui obiit cepit quandam viridem quercum in Haia de Scalby infra dominicum precii obolum, unde iidem tenentes eorundem viridariorum (terrarum et tenementorum que fuerunt predicti Rogeri) respondeant de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>, ad quorum manus forisfactura et precium predicta devenerunt.

Item presentant quod Juliana filia Laurencii, que obiit cepit unam viridem quercum ibidem infra dominicum precii obolum, ideo iidem tenentes eorundem viridariorum respondeant de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>, ad quorum manus forisfactura et precium devenerint.

Item presentant quod Matillis Hodles que obiit cepit unam viridem quercum ibidem infra dominicum precii obolum, ideo respondeant iidem tenentes eorundem viridariorum de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>, ad quorum manus forisfactura et precium devenerint.

He also took four oaks in Goathland within the demesne, value 2<sup>d</sup>. The same persons responsible. Fine 2<sup>s</sup>.

William Sharp, of Allantofts, forester of Allantofts, deceased, felled a green oak in Allantofts within the demesne, value 6<sup>d</sup>. John de Irton and Robert de Wyern, the successors to William de Irton, late verderer of the East ward, are responsible. Fine 6<sup>s</sup>.

Roger de Scalby, deceased, took a green oak in Scalby Hay within the demesne, value  $\frac{1}{2}$ <sup>d</sup>. Fine 6<sup>d</sup>. The same persons responsible since the money\* came to their hands.

Juliana, daughter of Lawrence, deceased, took a green oak there within the demesne, value  $\frac{1}{2}$ <sup>d</sup>. Fine 6<sup>d</sup>. The same persons responsible for the same reason.

Matilda Hoodless, deceased, took a green oak there within the demesne, value  $\frac{1}{2}$ <sup>d</sup>. Fine 6<sup>d</sup>. The same persons responsible for the same reason.

\* See note, p. 26, *supra*.

Item presentant quod Juliana Bernard que obiit cepit unam viridem quercum ibidem infra dominicum precii obolum. Ideo iidem tenentes eorundem viridariorum respondeant de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>, ad quorum manus forisfactura et precium predicta devenerint.

Item presentant quod Aldusa filia Willelmi Dobe que obiit cepit virides ramos ibidem infra dominicum precii obolum. Ideo iidem tenentes eorundem viridariorum respondeant de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>, ad quorum manus forisfactura et precium predicta devenerint.

Item presentant quod Adam filius Almoti de Egton cepit unam viridem quercum in Wheledale infra dominicum precii iij<sup>d</sup> et dimissus fuit per manucaptos usque ad assisam istam, qui modo non venit nec prius se reddidit. Ideo ad iudicium de manucaptoribus suis. Et predictus Adam respondebit domino de precio viridi predicti et pro forisfactura ejusdem iij<sup>s</sup>. Postea testatum est quod manucaptos sui obierunt. Ideo nichil ulterius de eis.

Item presentant quod Johannes Gentil de Aslaby qui obiit cepit unam viridem quercum in Gundale infra dominicum precii j<sup>d</sup>, unde Margareta uxor ejus et executrix testamenti ipsius Johannis respondebit de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

[266b] Item presentant quod Willelmus Shaketre qui obiit cepit ibidem unam viridem quercum infra dominicum precii j<sup>d</sup>, unde Henricus Hokerel tenens terrarum et tenementorum que fuerunt ipsius Willelmi respondebit de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Juliana Bernard, deceased, took a green oak there within the demesne, value  $\frac{1}{2}$ <sup>d</sup>. Fine 6<sup>d</sup>. The same persons responsible for the same reason.

Aldusa, daughter of William Dobb, deceased, took green boughs there within the demesne, value  $\frac{1}{2}$ <sup>d</sup>. Fine 6<sup>d</sup>. The same persons responsible for the same reason.

Adam, son of Almote, of Egton, took a green oak in Wheeldale within the demesne, value 4<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail, and he is responsible. Fine 4<sup>s</sup>. Afterwards it appears that his bail are dead, therefore proceedings against them are stayed.

John Gentle, of Aislaby, deceased, took a green oak in Gundale within the demesne, value 1<sup>d</sup>. Margaret, his wife and executrix, is responsible. Fine 1<sup>s</sup>.

William Shaketre, deceased, took a green oak there within the demesne, value 1<sup>d</sup>. His successor, Henry Hokerell, is responsible. Fine 1<sup>s</sup>.



Item presentant quod Robertus filius Alexandri cepit xl summagia viridis quercus in Haia de Scalby infra dominicum precii v<sup>s</sup>, et dimissus fuit per manucaptors usque ad assisam istam, qui modo non venit nec prius se reddidit. Ideo ad iudicium de manucaptoribus suis. Et predictus Robertus respondebit domino de precio viridi predicti et pro forisfactura ejusdem xl<sup>s</sup>. Postea testatum est quod manucaptors sui obierunt ideo nichil ulterius de eis.

Item presentant quod Alanus Beaufront de Scardeburgh qui obiit cepit duos stubbos viridis quercus in Haia predicta infra dominicum precii vj<sup>d</sup>, unde tenens terrarum et tenementorum que fuerunt ipsius Alani respondebit et pro forisfactura ejusdem vj<sup>s</sup>.

Item presentant quod Willelmus Wodeman qui obiit cepit unam viridem quercum et spinas per summagia in Haia de Scalby infra dominicum precii j<sup>d</sup>, unde Willelmus le Latymer et Alexander de Bergh tenentes terrarum et tenementorum que fuerunt Bernardi de Bergh nuper viridarii ejusdem warde respondeant et pro forisfactura xij<sup>d</sup>, ad cujus manus devenerint.

Item presentant quod Ricardus Neucomen de Suthfeld qui obiit cepit ramos quercuum, huciarum et cipplingorum in Haia de Scalby infra dominicum precii ij<sup>d</sup>, unde iidem tenentes eorundem viridarium [? ejusdem viridarii] respondeant et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Walterus Payn qui obiit cepit ramos quercuum, huciarum et cipplingorum ibidem infra dominicum noctanter precii j<sup>d</sup>,

Robert, son of Alexander, took forty horseloads of green oak in Scalby Hay within the demesne, value 5<sup>s</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail and he is responsible. Fine 40<sup>s</sup>. Afterwards it appears that his bail are dead. Stay of proceedings ordered.

Alan Beaufront, of Scarborough, deceased, took two stubbs of green oak in the Hay within the demesne, value 6<sup>d</sup>. Fine 6<sup>s</sup>. His successor is responsible.

William Wodeman, deceased, took a green oak and several horseloads of thorns in Scalby Hay within the demesne, value 1<sup>d</sup>. William le Latimer\* and Alexander de Bergh, successors to Bernard de Bergh, late verderer of that ward, are responsible for the value and a fine of 1<sup>s</sup>, since the money came to their hands.

Richard Newcomen, of Suffield, deceased, took boughs of oak, holly, and saplings in Scalby Hay within the demesne, value 2<sup>d</sup>. Fine 2<sup>s</sup>. The same persons responsible.

Walter Payn, deceased, by night took boughs of oak, holly, and

\* This does not quite correspond with p. 26, *supra*.

unde iidem tenentes eorundem viridariorum respondeant et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Alanus filius Alexandri de Neuby cepit ibidem unam querculum infra dominicum precii obolum et dimissus fuit per manucaptos usque ad assisam istam; qui modo non venit nec prius se reddidit. Ideo ad iudicium de manucaptoribus suis et predictus Alanus respondebit de precio viridi predicti et pro forisfactura ejusdem vj<sup>d</sup>. Postea testatum est quod manucaptos sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Thomas Russel qui obiit cepit viridum in le Cahevedes infra dominicum precii j<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondeant de precio viridi predicti et pro forisfactura ejusdem xij<sup>d</sup>.

Item presentant quod Umfridus Tober qui obiit cepit undecim quercus virides in Wheledale infra dominicum precii cujuslibet j<sup>d</sup> et ea cariauit\* cum uno plastro et sex bobus que appreciantur videlicet plastrum ad vj denarios et sex boves ad xvj<sup>s</sup>, precii cujuslibet ij<sup>s</sup> viij<sup>d</sup>. Unde tenentes terrarum et tenementorum que fuerunt Ricardi de Skelton nuper Custodis istius foreste, ad cujus manus forisfacture predictae devenerint respondeant et pro precio ejusdem viridi et similiter pro forisfactura ejusdem xj<sup>s</sup>.

Item presentant quod Johannes de Lyndryk qui obiit cepit undecim quercus virides in Wheledale infra dominicum precii cujuslibet j<sup>d</sup> et ea cariauit cum uno plastro et sex bobus que appreciantur videlicet

saplings there within the demesne, value 1<sup>d</sup>. Fine 1<sup>s</sup>. The same persons responsible.

Alan, son of Alexander de Newby, took a young oak there within the demesne, value  $\frac{1}{2}$ <sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail and he is responsible. Fine 6<sup>d</sup>. Afterwards it appears that his bail are dead, so proceedings against them are stayed.

Thomas Russell, deceased, took vert in the Caveheads within the demesne, value 1<sup>d</sup>. Fine 1<sup>s</sup>. The same successors to the verderers responsible.

Humphrey Tober, deceased, took eleven green oaks in Wheeldale within the demesne, value 1<sup>d</sup> each, and carried them away in a waggon drawn by six oxen. The waggon is valued at 6<sup>d</sup>, each ox at 2<sup>s</sup> 8<sup>d</sup>—*i.e.*, the six at 16<sup>s</sup>. Fine 11<sup>s</sup>. Richard de Skelton, formerly keeper of the forest, received the money, and his successors are responsible.

John de Lindrick, deceased, took eleven green oaks in Wheeldale within the demesne, value 1<sup>d</sup> each, and carried them away in a waggon

\* This seems to show that the oaks could not have been of any great size.

plaustrum ad vj<sup>d</sup> et boves ad xx<sup>s</sup>, precii cujuslibet [267] iij<sup>s</sup> iiiij<sup>d</sup>, unde iidem tenentes ejusdem custodie [? custodis] ad quorum manus forisfacture devenerint et pro precio ejusdem respondeant et similiter pro forisfactura ejusdem xj<sup>s</sup>.

Item presentant quod Alicia Sedman que obiit cepit undecim quercus virides in Wheledale infra dominicum precii cujuslibet j<sup>d</sup> et ea cariauit cum uno plastro et vj bobus, que appreciantur videlicet plaustrum ad vj<sup>d</sup> et boves ad xviii<sup>s</sup>, precii cujuslibet [267] iij<sup>s</sup>. Unde iidem tenentes ejusdem custodie [? custodis] respondeant, ad cujus manus predicte forisfacture devenerint et pro precio viridi predicti et pro forisfactura ejusdem xj<sup>s</sup>.

Item presentant quod Thomas del Hunthous qui obiit cepit ibidem sex virides quercus infra dominicum precii cujuslibet vj<sup>d</sup>, unde Nicholaus del Hunthous filius et heres ejus, tenens terrarum et tenementorum que fuerunt ipsius Thome respondeat de precio viridi predicti et pro forisfactura ejusdem xxvj<sup>s</sup>.\*

Item presentant quod Thomas de Werdale cepit unam viridem quercum in bosco de Roston et Wicham extra dominicum absque liberatione forestariorum sive waranto. Ideo ipse in misericordia et predicti tenentes eorundem viridariorum inde respondeant etc.

Item presentant quod Simon nuper serviens Prioris de Bridlyngton qui obiit et Willelmus filius Margerie prostrator bosci et Reginaldus de Scalby cariator prostrarunt unam viridem quercum noctanter in Foul-

drawn by six oxen. The waggon is valued at 6<sup>d</sup>, and the oxen at £1 —*i.e.*, 3<sup>s</sup> 4<sup>d</sup> each. Fine 11<sup>s</sup>. The same persons responsible.

Alice Sedman, deceased, took eleven green oaks in Wheeldale within the demesne, value 1<sup>d</sup> each, and carried them away in a waggon drawn by six oxen. The waggon is valued at 6<sup>d</sup>, and the oxen at 18<sup>s</sup> —*i.e.*, 3<sup>s</sup> each. Fine 11<sup>s</sup>. The same persons responsible.

Thomas del Hunthouse, deceased, took six green oaks there within the demesne, value 6<sup>d</sup> each. His successor, Nicholas del Hunthouse, his son and heir, is responsible. Fine £1 6<sup>s</sup>.

Thomas de Weardale took a green oak in the wood of Ruston and Wykeham without the demesne without livery of the foresters or warrant. The successors † of the verderers are responsible.

Simon, late servant to the Prior of Bridlington, deceased, William, son of Majorie, woodcutter, and Reginald de Scalby, carrier, felled, for the use of the Prior, a green oak by night in Fullwood within the

\* This fine is not twelve-fold. The margin gives as the total xxvj<sup>s</sup> vj<sup>d</sup>, which is not correct.

† Representatives, although now generally confined to personal property, perhaps expresses the idea best.

wod infra dominicum precii ij<sup>d</sup> ad opus dicti Prioris, et illam quercum in cariendo cum plastro precii xl<sup>d</sup> et iiij<sup>or</sup> bobus in eodem junctis, precii ij marcas, capti fuerunt et liberati eidem Priori qui jam obiit ad respondendum nunc inde etc tanquam de forisfactis. Ideo Prior qui nunc est inde respondebit et similiter de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>. Et predicti Willelmus et Reginaldus dimissi fuerunt per manuctores usque ad assisam istam, qui modo non veniunt nec prius se reddiderunt. Ideo ad iudicium de manuctoribus suis. Postea testatum est quod manuctores sui obierunt, ideo nichil ulterius de eis.

Item presentant quod idem Simon nuper serviens ejusdem Prioris cepit unam viridem quercum in Haia de Scalby infra dominicum precii ij<sup>s</sup> ad opus dicti Prioris. Ideo respondebit Prior qui nunc est de precio viridi predicti et pro forisfactura ejusdem xxiiij<sup>s</sup>.

Item presentant quod Johannes Blank qui obiit cepit corticem unius quercus in Daleby infra dominicum precii iiij<sup>d</sup>, quam Henricus Cokerel abscondit et abduxit. Ideo idem Henricus qui superstes est respondebit de precio viridi predicti et pro forisfactura ejusdem iiij<sup>s</sup>.

Item presentant quod Petrus de Nevill qui obiit cepit unam viridem quercum in Ohwerdale [?] infra dominicum precii ij<sup>d</sup>, unde Hugo filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Petri respondebit de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Radulphus Derlyng qui obiit cepit tres caretatas maeremii in Sneynton extra dominicum absque liberacione fores-

demesne, value 2<sup>d</sup>. They were caught while carrying it away in a waggon worth 40<sup>d</sup>,\* drawn by four oxen worth £1 6<sup>s</sup> 8<sup>d</sup>, and were handed over to the late Prior to be produced at this Eyre. The present Prior is responsible, and in addition is fined 2<sup>s</sup>. William and Reginald were let out on bail, but have not surrendered and do not appear. To judgment with their bail. Afterwards it appears that their bail are dead, therefore proceedings against them are stayed.

The same Simon took a green oak in Scalby Hay within the demesne to the use of the Prior, value 2<sup>s</sup>. Fine 24<sup>s</sup>. The present Prior is responsible.

John White, deceased, took the bark of an oak in Dalby within the demesne, value 4<sup>d</sup>, which Henry Cokerell cut and carried away. Henry Cokerell, who is surviving, is responsible. Fine 4<sup>s</sup>.

Peter de Nevill, deceased, took a green oak in Ohwerdale [?] within the demesne, value 2<sup>d</sup>. Fine 2<sup>s</sup>. His successor, Hugh, his son and heir, is responsible.

Ralph Darling, deceased, took three cartloads of timber without the

\* The difference in value between this and the other waggons is worth notice.

tariorum sive waranto. Ideo ipse in misericordia. Unde Robertus Derlyng filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Radulphi respondebit.

Item presentant quod Ricardus Choleman de Brumpton cepit duas quercus in [267b] Troucedale extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia.

Item presentant quod Rogerus Haldan qui obiit cepit duas quercus in Depedale infra dominicum precii cujuslibet vj<sup>d</sup>, unde Nicholaus filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Rogeri respondebit de precio viridi predicti et pro forisfactura ejusdem xij<sup>s</sup>. Postea testatum est quod viridum predictum captum fuit in communa sua. Ideo nichil de precio neque de forisfactura.

Item presentant quod Thomas Sturmy cepit unam viridem quercum in Daleby infra dominicum precii iiij<sup>d</sup> et dimissus fuit per manucaptors usque ad assisam istam, qui modo non venit nec prius se reddidit. Ideo ad iudicium de manucaptoribus suis et predictus Thomas respondebit de precio viridi predicti et de foris factura ejusdem iiij<sup>s</sup>. Postea testatum est quod manucaptors sui obierunt, ideo nichil ulterius de eis.

Item presentant quod Philippus Gunneys qui obiit cepit iiij quercus in Ebreton infra dominicum precii cujuslibet j<sup>d</sup>, unde Alanus Malkac tenens terrarum et tenementorum que fuerunt ipsius Philippi respondebit de precio viridi predicti et pro forisfactura ejusdem iiij<sup>s</sup>.

Item presentant quod Adam Prudhom qui obiit attraxit sibi quamplures quercus extra dominicum unde fecit bordos quos vendicioni

demesne in Snainton without livery of the foresters or warrant. His successor, Robert Darling, his son and heir, is responsible.

Richard Cholman, of Brompton, took two oaks in Troutsdale without the demesne without livery of the foresters or warrant. In mercy.

Roger Haldane, deceased, took two oaks in Deepdale within the demesne, value 6<sup>d</sup> each. Fine 12<sup>s</sup>. His successor, Nicholas, his son and heir, is responsible. Afterwards it appears that the vert was taken as of common right, therefore proceedings are stayed.

Thomas Sturmy took a green oak in Dalby within the demesne, value 4<sup>d</sup>, and was let out on bail. He has not surrendered and does not appear. To judgment with his bail and he is responsible. Fine 4<sup>s</sup>. Afterwards, as it appears that his bail are dead, proceedings against them are stayed.

Philip Gunneys, deceased, took four oaks in Ebberston within the demesne, value 1<sup>d</sup> each; total, including fine, 4<sup>s</sup> 4<sup>d</sup>. His successor, Alan Malcake, responsible.

Adam Prudhomme, deceased, appropriated several oaks without the

exposuit diversis hominibus istius foreste. Ideo ipse in misericordia et tenentes eorundem viridarioꝝ respondeant.

Item presentant quod Johannes de Wynburn qui obiit cepit iij quercus in Foulwode infra dominicum precii cujuslibet iij<sup>d</sup>, unde iidem tenentes terrarum et tenementorum que fuerunt Ricardi de Skelton nuper Constabularii respondeant de precio viridi predicti et pro forisfactura ejusdem iij<sup>s</sup>.\*

Item presentant quod Prior de Malton cepit ix plaustrata alneti in Aleyntoftes infra dominicum precii ix<sup>d</sup> et dimissus fuit per manucaptos usque ad assisam istam. Qui modo venit coram Justiciariis et super hoc convictus oneratur erga dominum de precio viridi predicti et pro forisfactura ejusdem ix<sup>s</sup>.

Item presentant quod Robertus Cave cepit unam viridem quercum in Gretheved extra dominicum absque liberacione forestariorum, sive waranto. Ideo ipse in misericordia (iij<sup>d</sup>).

Item presentant quod idem Robertus prostravit ix quercus in Haia de Scalby extra dominicum noctanter absque liberacione forestariorum, sive waranto. Ideo ipse in misericordia (iij<sup>d</sup>).

Item presentant quod Bartholomeus filius Galfridi cepit xxj tingnos [*sic*] quercuum in haia de Scalby noctanter precii xj<sup>d</sup> et dimissus fuit per manucaptos usque ad assisam istam, qui modo non venit nec prius se reddidit, ideo ad iudicium de manucaptoribus suis et predictus

demesne, of which he made boards and exposed them for sale to different men residing in the forest. He is in mercy, and the above-mentioned successors to the verderers are responsible for 6<sup>d</sup>.

John de Winburn, deceased, took four oaks in Fullwood within the demesne, value 4<sup>d</sup> each. The successors of the late constable, Richard de Skelton, are responsible for the value and fine, in all 3<sup>s</sup>.

The Prior of Malton took nine waggon-loads of alder in Allantoftes within the demesne, value 9<sup>d</sup>, and was let out on bail. He now appears, is convicted, and charged with payment to the Earl of the value and a fine of 9<sup>s</sup>.

Robert Cave took a green oak in Greathead without the demesne without livery of the foresters or warrant. He is in mercy (3<sup>d</sup>).

He also felled nine oaks in Scalby Hay without the demesne by night without livery of the foresters or warrant. In mercy (3<sup>d</sup>).

Bartholomew, the son of Geoffrey, took twenty-one oak shingles [?] in Scalby Hay by night, value 11<sup>d</sup>; he was let out on bail but has not surrendered and does not appear. To judgment with his bail, and he

\* The note in the margin has iij<sup>s</sup> iij<sup>d</sup>. It is not impossible that two entries are here mixed up in one.

Bartholomeus respondeat de precio viridi predicti et pro forisfactura ejusdem xj<sup>s</sup>. Postea testatum est quod manucaptors sui obierunt; ideo nichil ulterius de eis.

Item presentant quod Willelmus de Yeland qui obiit cepit unam viridem quercum in bosco de Kynthorp extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde Katerina de Yeland tenens terrarum et tenementorum que fuerunt ipsius Willelmi respondeat.

Item presentant quod Robertus del Clif qui obiit cepit unam viridem quercum ibidem extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in [268] misericordia, unde Willelmus Latymer tenens terrarum et tenementorum que fuerunt ipsius Roberti respondeat.

Item presentant quod domina Beatrix\* de Farmanby que obiit cepit unam viridem quercum extra dominicum absque liberacione forestariorum sive waranto; ideo ipsa in misericordia, unde Willelmus Hastyng tenens terrarum et tenementorum que fuerunt ipsius Beatricis respondeat.

Item presentant quod Alexander de Wandesdale qui obiit cepit unam viridem quercum in Langwathsid infra dominicum precii ij<sup>d</sup>, unde Alicia filia ejus tenens terrarum et tenementorum que fuerunt ipsius Alexandri respondebit de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod Nicholaus de Hastyng qui obiit cepit unam viridem quercum in Crosclif extra dominicum absque liberacione

is responsible for the value and a fine of 11<sup>s</sup>. Afterwards, as it appears that his bail are dead, proceedings against them are stayed.

William de Yeland, deceased, took a green oak in Kingthorpe wood without the demesne, without livery of the foresters or warrant. His successor, Catherine de Yeland, is responsible.

Robert del Clif, deceased, took a green oak there without the demesne, without livery of the foresters or warrant. His successor, William Latimer, is responsible.

The Lady Beatrice of Farmandby, deceased, took a green oak without the demesne, without livery of the foresters or warrant. Her successor, William Hastings, is responsible.

Alexander de Wandesdale, deceased, took a green oak in Langwath side within the demesne, value 2<sup>d</sup>; fine 2<sup>s</sup>. His daughter and successor, Alice, is responsible.

Nicholas de Hastings, deceased, took a green oak in Crosscliffe

\* *i.e.*, de Hastings.

forestariorum sive waranto. Ideo ipse in misericordia, unde Radulphus de Hastyng tenens terrarum et tenementorum que fuerunt ipsius Nicholai respondebit.

Item presentant quod Ivo filius Petronille qui obiit cepit unam viridem quercum extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde iidem Alexander de Bergh et Willelmus de Latymer viridarii respondebunt.

Item presentant quod Bartholomeus Carpentarius qui obiit cepit unam viridem quercum in Crosclif extra dominicum precii ij<sup>d</sup>, unde iidem tenentes eorundem viridariorum respondebunt de precio viridi predicti et pro forisfactura ejusdem ij<sup>s</sup>.

Item presentant quod persona de Brumpton qui obiit prostravit duas virides quercus extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod Preceptor de Foukebrigg prostravit et cariavit iiij virides quercus in mense defenso. Ideo ipse in misericordia, de cujus misericordia Prior Hospitalis Sancti Johannis Jerusalem in Anglia respondebit.

Item presentant quod Petrus de Nevill qui obiit cepit per duas vices circa octo quercus noctanter in bosco de Aton extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde iidem tenentes eorundem viridariorum respondebunt.

without the demesne, without livery of the foresters or warrant. His successor, Ralph de Hastings, is responsible.

Ivo, son of Parnell, deceased, took a green oak without the demesne, without livery of the foresters or warrant. The verderers, Alexander de Bergh and William de Latimer, are responsible.

Bartholomew the carpenter, deceased, took a green oak in Crosscliffe without the demesne, value 2<sup>d</sup>; fine 2<sup>s</sup>. The same successors of the verderers are responsible.

The Rector of Brompton, deceased, felled two green oaks without the demesne, without livery of the foresters or warrant. The same persons responsible.

The Preceptor of Foulbridge felled and carried away four green oaks in fence month. The Prior of the Hospital of St. John is responsible.

Peter de Nevill, deceased, on two occasions took about eight oaks by night in Ayton Wood without the demesne, without livery of the foresters or warrant. The same successors to the verderers are responsible.



Item presentant quod Johannes Kyng prepositus Johannis de Drokerford cepit quinque quercus in Sandale et Eskdale ad opus domini sui de dono Ricardi de Shelton nuper custodis. Ideo onerentur inde tenentes terrarum et tenementorum que fuerunt predicti Ricardi.

Item presentant quod Henricus de Sandesby qui obiit cepit quatuor quercus in Sneynton extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod Johannes Forestarius de Brumpton qui obiit cepit unam viridem quercum in Troucedale extra dominicum sine waranto. Ideo ipse in misericordia, unde Thomas filius ejus et heres, tenens terrarum et tenementorum que fuerunt ipsius Johannis respondebit.

Item presentant quod Galfridus Carpentarius cepit unam viridem quercum subtus Cropton Castel extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia etc.

[268b] Item presentant quod Engelramus de Boynton receptavit tres virides quercus quas Nicholaus del Hil cepit ad opus suum in Sneynton extra dominicum absque liberacione forestariorum sive waranto. Ideo ipse in misericordia, unde Walterus de Beynton filius ejus et heres, tenens terrarum et tenementorum que fuerunt ipsius Engelrami respondebit.

John King, reeve to John de Drokenford,\* took five oaks in Sandale and Eskdale, to his master's use of the gift of Richard de Skelton, late keeper. The latter's successors are to be charged.

Henry de Sandesby, deceased, took four oaks in Snainton without the demesne, without livery of the foresters or warrant. The same successors of the verderers are responsible.

John, forester of Brompton, deceased, took a green oak in Troutdale without the demesne, without livery of the foresters or warrant. His successor, Thomas, his son and heir, is responsible.

Geoffrey the carpenter took a green oak beneath Cropton Castle without the demesne, without livery of the foresters or warrant. In mercy.

Ingram de Boynton received three green oaks which Nicholas del Hill took to his use in Snainton, without livery of the foresters or warrant. His successor, Walter de Bainton, his son and heir, is responsible.

\* He was possibly the Bishop of Bath and Wells of that name. The family, assuming that Drokerford represents Drokensford, at this date appears to have been settled in Essex, see Morant's "History of Essex."

De hiis qui ceperunt lepores in foresta cum leporariis et portaverunt arcus et sagittas contra assisam in eadem.

Presentant iidem jurati quod Marmeducus de Acclom, Galfridus frater ejus, Radulphus Wacelyn, Willelmus Wyles, Adam filius Thome de Kynthorp, Willelmus Barban garcio Willelmi de Rosels, Hugo Prudhome, Willelmus de Dales, Thomas, Willelmus et Robertus filii ejusdem Willelmi, Michael de Rosels, Nicholaus Pykstan, Johannes Morolf, Alexander Pyper, Nicholaus Hastyng, Henricus Chubbok, Adam Spicer, Simon Roi, Petrus de Maulay junior, Hugo Sauvage, Willelmus de Thornyngthays, Johannes de Egton de Danby, Johannes Wyles, Ricardus Sauvage, Willelmus de Thornyngthways, Walterus Turnur, Willelmus filius Thome filii Stephani, Johannes serviens Johannis de Bordesden, Edmundus de Waver, Johannes Fychet, Willelmus de Yeland senior, Thomas de Wyvill, Hugo de Hastyng, Ricardus de Brocsay, Johannes de Humet, Adam de Elredby, Willelmus Foughler garcio ejusdem, Johannes Clif, Johannes de Seton, Gilbertus de Camera, Ambrosius de Camera, Rogerus venator domini Edmundi de Maulay, Rogerus de Harwode, Willelmus Ruffait, Rogerus Drye, Petrus garcio domini Roberti de Acclum, Johannes de la Dale garcio Ambrosii de Camera, garcio uxoris Johannis de Seton, Radulphus filius Rogeri de Cunsheved [? Conishead], Johannes Palefridarius, Robertus de Acclum, Johannes filius Johannis de Dale, Johannes Forester, Ricardus Wyles, Johannes Carter de Scardeburgh, Thomas et Johannes filii Thome Salter, Johannes Cruel, Edmundus filius ejus, Willelmus de Overton, Jak Hare, Willelmus le Parcour, Johannes filius Malkyn, Johannes de Danby, Johannes Stalker, Willelmus filius Thome del Hunthous, Willelmus filius Radulphi Molendinarius, Thomas Sutor de Scardeburgh, Walterus Foune, Ancelmus de Laycet, Thomas de Biston, Robertus de Percy, Johannes garcio ejus, Ricardus de Sulby, Willelmus Fossard, Johannes de Calveton, Willelmus Rome, Willelmus de Haverdale, Johannes filius Willelmi de Maynhermer, Galfridus de Durem, Henricus de Fissheburn, Petrus clericus domini Henrici de Percy, Martinus Palefridarius, Thomas Gnatel, Willelmus filius Willelmi de Rosels, Johannes de

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Those who caught hares in the forest and greyhounds and carried bows and arrows in contravention of the assize of the forest.

The persons named were in the habit of catching hares in the forest with greyhounds, in contravention of the assize of the forest to the annoyance of the deer. They are summoned. Some appear and make composition as appears in the estreat rolls, some are outlawed as appears in the rolls of the proceedings, and some are dead.

Mora, Rogerus de Fissheburn, Radulphus Pelliparius, Robertus venator domini Henrici de Percy, Hugo Barker de Whiteby, Thomas Bene de Rysewarp, Johannes filius Johannis de Hilderwell, Johannes Wodecok, Johannes Kempe, Rogerus de Harwode, Adam Couper de Scardeburgh, Rogerus garcio ejus, Robertus de Acclum, Prud Adam, Colwite Wille [?], [269] Ricardus filius Juliane Drie, Willelmus de Bradale [? Bladale], Rogerus Grymet, dominus Philippus de Lyndesay, Johannes de Mora, Robertus venator Roberti de Dunfremlyn, Elias forestarius domini Alexandri de Percy, Johannes Wode senior, Willelmus filius Agnetis de Nafferton, Walterus Cissor de Semere, Rogerus filius Willelmi de Topclif, Adam de Helperthorp, Robertus frater ejus, Willelmus Lygard, Rogerus filius Alani Carter, Johannes Munkeman, Thomas filius Thome Salter, Willelmus de Fyvele, Robertus filius Henrici Lang, Nicholaus Pykstan, dominus Johannes de Hoton in Clifland, Willelmus et Nicholaus fratres ejus, Johannes de Dent, Willelmus filius Thome molendinarius de Dalton, Thomas filius Ricardi molendinarius de eadem, Willelmus de Kyrkham wodewardus Nicholai de Hastyng, Reginaldus Pipynheved bercarius ejusdem domini Nicholai, Edmundus filius Roberti de Boynton, Walterus de Suardby, Thomas de Dales, Rogerus filius Alani Carter et Willelmus frater ejus, Johannes filius Rogeri atte Crosse, Thomas Salter, Reginaldus Lygard, Robertus filius Roberti, Johannes filius Abbe de Rossedale, Willelmus Darell, Johannes Darell, Ricardus Darell, Johannes de Spoford, James Jurdan de Alen, Walterus venator Henrici de Percy, Ricardus de Stuppeton [? Shipton] de Rasclif [Raskelf], Ricardus Carter, Willelmus frater ejus, Willelmus filius Rogeri Carter junior, Willelmus de Bucton junior, Robertus Kutte, Adam Leydy [? Levedy], Willelmus Hay, Willelmus Page wodewardus de Aton, Walterus Faber, Johannes de Gosnarch, Thomas wodewardus de Staynton, Stephanus filius Ricardi de Eskedale, Simon filius Ricardi del Wodde, Robertus del Clos de Lycheryk, Hugo filius Roberti del Wode, Ricardus del Richemound sutor de Whiteby, Johannes filius Simonis del Hill, Robertus Patryk junior, Ricardus de Morsum, Johannes Brun de Hakenesse, Willelmus de Yeland, Walterus de Wyrkeshale, Willelmus Freman, Johannes Bler, Willelmus de Mora, Robertus de Chiborn, Willelmus de Mora junior, Johannes filius Henrici del Tunge, Robertus filius Ricardi de Westgil et Johannes frater ejus, Walterus de Stafton, Thomas de Bossale, Willelmus de Roston, Johannes filius Johannis le Wode molendinarius Alani de Holme, Hugo de Aula de Whiteby, Thomas de Driffield, Robertus Spynk, Johannes Tendebarn, Willelmus filius Willelmi Moy, Prestre Johan, Thomas Wryel, Galfridus de Langedon, Johannes de Brygham, Willelmus de la Chapel, Willelmus de Egton, Nicholaus Meynill, Petrus de Maulay, Johannes Percy, Willelmus Wywyll, Robertus Col-

vill de Erniclif [Arncliffe], Robertus de Staynton, Willelmus de Wylardby, Robertus Wymark, Willelmus Bedeman [? Wodeman], Willelmus Archer, Alanus Pecche junior, Willelmus filius domini Alexandri de Percy, Robertus de Seton, Johannes de Stokesle, Robertus Balde, Willelmus de Eston, Willelmus Touchepryk, Willelmus de Hagerston, Willelmus de Brokton, Thomas de la Dale, Robertus Pecche, Willelmus User [Usher], Willelmus Parcour de Mulgreve, Johannes Redheved, Willelmus Wyles, Robertus de Lelum [Lealholm] junior, Adam de Lounesdale, Willelmus cocus Thome de Maulay, Rogerus de Hull, Stephanus filius Ricardi de Eskedale, Johannes de Landemot, Walterus Daysum, Ricardus Taiilour de Whiteby, Johannes de Lelum, [269b] Johannes de Morsum, Willelmus Latymer, Radulphus de Hastyng, Thomas de Metham, Johannes de Sutton, Willelmus de Sancto Quintino, Johannes de Metham, Robertus de Saltmarsh, Edmundus de Boynton, Thomas filius Thome de Bouelton, Johannes de Malton consanguineus Johannis Moryn, Willelmus Toueton, Walterus et Johannes de Dyngelby, Johannes Moryn, Rogerus Sturdy, Thomas de Hiperswell, Robertus filius Simonis, Johannes Styrkhirde, Petrus filius Henrici, Petrus Maulay senior, venator Johannis de Yeland et Radulphus frater ejus, Johannes Valiaunt capellanus, Simon filius Alani de Scardeburgh, Alexander de Bergh, Petrus de Rither persona ecclesie de Kirkeby Misperton, dominus Willelmus Persay, Willelmus Brus, Johannes de Pikeryng, Willelmus filius Edmundi de Hastyng, Hugo de Yeland, Hugo de Nevill, Radulphus Hastyng, dominus Willelmus Playce, dominus Gilbertus de Aton, Willelmus Barde, Thomas Bret, Willelmus Belle capellanus, Robertus Bruys, Edmundus de Hastyng senior, Edmundus de Hastyng junior, Thomas del Clughton, dominus Ricardus de Berughby rector ecclesie de Normanby et Simon de Aton capiunt communiter lepores in foresta ista cum leporariis contra assisam foreste ad nocumentum ferarum. Ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt quidam eorum et finem fecerunt prout patet in extractis, et quidam eorum utlagantur ut patet in rotulis processuum, et quidam eorum mortui sunt.

De capientibus volucres cum retibus et aliis ingeniis in foresta predicta.

Presentant iidem jurati quod Henricus Foughler, Adam le Foughler de Berugh, Adam le Foughler de Aton quod [*sic*] capiunt volucres

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Those who caught birds in the forest with nets and other contrivances.

The persons named catch birds in the forest with birdlime and other

cum visco et aliis ingeniis in foresta contra assisam foreste. Ideo preceptum est vicecomiti quod venire faciat eos. Postea venerunt et finem fecerunt prout patet in rotulis de extractis.

Capciones averiorum infra forestam istam.

De averiis infra forestam istam tam infra dominica quam mense defenso forisfactis presentant iidem ministri et jurati quod unus staggus Johannis Prest de Ebreston inventus fuit in foresta ista loco qui vocatur Dalby super wardam factam et non agistatus qui captus fuit tanquam forisfactus per assisam foreste et appreciatus ad xl<sup>d</sup> et retraditus eidem Johanni per plegium Ricardi de Dalby ad dictum staggum habendum ad assisam istam; qui modo non venit, ideo ipse in misericordia, et nichilominus oneretur idem Johannes de precio predicto erga dominum.

Item presentant quod quinque hoggi porcorum qui fuerunt Roberti filii Lamberti inventi fuerunt infra coopertum in foresta ista tempore pannagii et non agistati, [270] precii v<sup>s</sup>. Ideo idem Robertus respondebit.

Item presentant quod sex hoggi porcorum qui fuerunt Alani filii Alani inventi fuerunt infra coopertum tempore pannagii et non agistati; precii vj<sup>s</sup>. Ideo idem Alanus respondebit.

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contrivances in contravention of the assize of the forest. They are summoned, appear and make composition as appears in the estreat rolls.

Cattle taken in the forest.

As to cattle within the forest forfeited as well within the demesne as in fence month, the Jury present that a young horse of John Prest of Ebberton was found in Dalby unagisted on ward\* being made, and was taken as forfeited by the assize of the forest. It was valued at 3<sup>s</sup> 4<sup>d</sup> and restored to John, on his undertaking to produce it at the present Eyre. His surety was Richard de Dalby. He fails to appear, therefore he is in mercy, and is charged with payment to the lord of the value.

Five hogs, the property of Robert, son of Lambert, were found unagisted within the covert in time of pannage, value 5<sup>s</sup>. Robert is responsible.

Six hogs, the property of Alan, the son of Alan, were found unagisted within the covert in time of pannage.

\* From page 85, later I conjecture that these words refer to an impounding by the Earl's foresters as distinguished from the foresters of fee; what, however, their exact significance is, I cannot even conjecture. Another conjecture is, that it refers to making drifts.

Item presentant quod octo hoggi porcorum qui fuerunt Prioris de Bridlyngton inventi fuerunt infra coopertum tempore pannagii et non agistati ; precii viij<sup>s</sup>. Ideo idem Prior respondebit.

Item presentant quod sex hoggi porcorum precii xij<sup>d</sup> et iiij porci precii ij<sup>s</sup> qui fuerunt Magistri de Staynton inventi fuerunt infra coopertum mense defenso non agistati. Ideo idem Magister respondebit.

Item presentant quod due sue [*sic*] que fuerunt Galfridi atte Halle et Rogeri Salman invente fuerunt infra coopertum mense defenso non agistate ; precii ij<sup>s</sup>. Ideo iidem Galfridus et Rogerus respondebunt.

Item presentant quod quatuor porci qui fuerunt Godardi de Roston inventi fuerunt infra coopertum mense defenso non agistati, precii ij<sup>s</sup>. Ideo idem Godardus respondebit.

Item presentant quod octo hoggi porcorum qui fuerunt Johannis de Stapelton qui obiit inventi fuerunt infra coopertum mense defenso non agistati precii iiij<sup>s</sup>. Unde Juliana uxor ejus et Robertus Cockerell executores testamenti predicti Johannis respondebunt.

Item presentant quod iiij porci precii viij<sup>s</sup> et tres hoggi precii iiij<sup>s</sup> qui fuerunt Nicholai filii Rogeri de Lokton inventi fuerunt in Staniheved mense defenso non agistati. Ideo respondeat idem Nicholaus.

Item presentant quod sex porci qui fuerunt vicarii de Ellerburn qui obiit inventi fuerunt in alneto juxta villam de Ellerburn mense defenso precii ij<sup>s</sup>. Unde Robertus Brus et Johannes filius Ade\* executores testamenti predicti vicarii respondebunt.

Item presentant quod sex porci qui fuerunt persone† de Thornton qui obiit inventi fuerunt infra coopertum mense defenso non agistati precii ij<sup>s</sup>, unde Alexander de Bergh heres et executor testamenti ejusdem persone respondebit.

Similar entries as to eight hogs, the property of the Prior of Bridlington, value 8<sup>s</sup> ; and in fence month, six hogs value 1<sup>s</sup>, and four pigs value 2<sup>s</sup>, [? each], the property of the master of Stainton ; two sows value 2<sup>s</sup>, the property of Geoffrey atte Hall and Roger Salman ; four pigs value 2<sup>s</sup>, the property of Godard de Ruston ; eight hogs value 4<sup>s</sup>, the property of John de Stapelton deceased, Juliana, his wife, and Robert Cockerell, his executors, are responsible ; four pigs value 8<sup>s</sup>, and three hogs value 3<sup>s</sup>, the property of Nicholas, son of Roger of Lockton, found in Stoney head ; six pigs value 2<sup>s</sup>, the property of the late vicar of Ellerburn, found in an alderwood near the village ; Robert Bruce and John, son of Adam, his executors, are responsible ; six pigs value 2<sup>s</sup>, the property of the late Rector of Thornton, Alexander de Bergh, his heir and executor, is responsible ; two pigs and two hogs, value altogether 6<sup>s</sup>, the property

\* Probably the quondam reeve, *see* Vol. II., N.S., p. 14.

† This was William de Bergh, *see* Vol. II., N.S., p. 78.

Item presentant quod duo porci et duo hoggi porcorum qui fuerunt Petri Ulf inventi fuerunt in bosco de Wicham mense defenso non agistati, precii omnium vj<sup>s</sup>. Ideo idem Petrus respondebit.

Item presentant quod tres hoggi porcorum qui fuerunt Rogeri Wisk inventi fuerunt in Haia de Scalby mense defenso non agistati precii iij<sup>s</sup>. Ideo idem Rogerus respondebit.

Item presentant quod duo pullani qui fuerunt Ricardi Richeman inventi fuerunt in Haia de Scalby mense defenso non agistati precii iij<sup>s</sup>. Ideo idem Ricardus respondebit, etc.

Item presentant quod sex porci qui fuerunt Johannis Hert inventi fuerunt [270b] in prato de Dalby mense defenso per wardam factam non agistati precii xij<sup>s</sup>. Ideo idem Johannes respondebit.

Item presentant quod viij porci qui fuerunt Willelmi Latymer inventi fuerunt ibidem mense defenso per wardam factam non agistati precii xvj<sup>s</sup>. Ideo idem Willelmus respondebit.

Item presentant quod quinque porci qui fuerunt Alani prepositi qui obiit inventi fuerunt in dominicis de Dalby tempore pannagii non agistati precii cujuslibet\* unde viridarii ejusdem warde respondebunt.

Item presentant quod l. porci qui fuerunt Magistri Willelmi de Pickering† inventi fuerunt in dominicis de Semere tempore pannagii non agistati precii cujuslibet xvij<sup>d</sup>, unde Willelmus Brus miles tenens terrarum et tenementorum que fuerunt ipsius Magistri Willelmi respondebit.

Item presentant quod Radulphus Gegge depastus fuit comunam de Ebreston cum xx bidentibus, ubi non habet comunam. Ideo ipse in misericordia.

Item presentant quod unus porcus precii ij<sup>s</sup> et tres hoggi porcorum precii iij<sup>s</sup> qui fuerunt Johannis filii Gilberti inventi fuerunt in

of Peter Ulf, found in Wykeham wood ; three hogs value 3<sup>s</sup>, the property of Roger Wiske, found in Scalby Hay ; two colts value 3<sup>s</sup>, the property of Richard Richeman, in Scalby Hay ; six pigs value 12<sup>s</sup>, the property of John Hart, in Dalby meadow ; and eight pigs value 16<sup>s</sup>, the property of William Latimer ; in Dalby demesnes, five pigs, the property of Alan the late reeve, for which the verderers are responsible ; in the demesne lands of Seamer, fifty pigs worth 1<sup>s</sup> 6<sup>d</sup> each, the property of Master William de Pikering, for which his successor, Sir William Bruce, is responsible.

Ralph Gegge pastured the common of Ebberston with twenty sheep, where he has no right of common. He is in mercy.

The following animals were also found unagisted in fence month : in Allantofts a pig worth 2<sup>s</sup>, and three hogs worth 3<sup>s</sup>, the property of

\* Not mentioned.

† Dean of York, see Vol. II., N.S., p. 233.

Aleyntoftes mense defenso non agistati. Ideo idem Johannes respondebit.

Item presentant quod unus porcus qui fuit Walteri de Burton inventus fuit in Haia de Scalby mense defenso non agistatus precii xij<sup>d</sup>. Ideo idem Walterus respondebit.

Item presentant quod iiij porci qui fuerunt Willelmi de Fulford inventi fuerunt ibidem mense defenso non agistati precii viij<sup>s</sup>. Ideo idem Willelmus respondebit.

Item presentant quod xl bidentes qui fuerunt Henrici de Bougheland inventi fuerunt in Haia de Scalby mense defenso precii cujuslibet xij<sup>d</sup>. Ideo idem Henricus respondebit.

Item presentant quod una sus que fuit Henrici Geryng inventa fuit in Langedon mense defenso non agistata precii ij<sup>s</sup>. Ideo idem Henricus respondebit.

Item presentant quod quinque porci qui fuerunt Alani Lille inventi fuerunt in bosco de Wicham mense defenso non agistati precii x<sup>s</sup> et retraditi fuerunt eidem Alano per plegium Galfridi Fabri et Thome de Neuton ad dictos [? porcos] habendos ad assisam istam. Qui modo non veniunt ideo ipsi in misericordia, et nichilominus oneretur idem Alanus de precio predicto.

Item presentant quod viginti averia diversorum hominum de Kynthorp inventa fuerunt in dominicis de Pickering, precii cujuslibet iiij<sup>s</sup>. Unde villata de Kynthorp respondebit.

Item presentant quod decem stirk qui fuerunt Johannis de Rouceby inventi fuerunt in Haia de Dalby per wardam factam et non agistati qui capti fuerunt tanquam forisfacti per assisam foreste et appreciati ad xx<sup>s</sup> et retraditi eidem Johanni per plegium Rogeri de Mannesherne ad dictos stirk habendos ad assisam istam. Qui modo non venit,\* ideo ipse in misericordia et nichilominus oneretur idem Johannes de precio predicto.

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John, son of Gilbert; in Scalby Hay a pig worth 1<sup>s</sup>, the property of Walter de Burton, four pigs worth 8<sup>s</sup>, the property of William de Fulford, and forty sheep worth 1<sup>s</sup> each, the property of Henry de Bougheland; in Langdale a sow worth 2<sup>s</sup>, the property of Henry Gering; in Wykeham Wood five pigs worth 10<sup>s</sup>, the property of Alan Lille, which were restored to him on Geoffrey the smith and Thomas de Newton being sureties for their production at the present Eyre, which is not done; in the demesne lands of Pickering twenty cattle worth 4<sup>s</sup> apiece, the property of different men in Kingthorpe, the township is responsible; in Dalby Hay ten stirks worth £1, the property of John de Roxby, restored on Roger de Mansergh being surety;

\* Roger was dead, see Vol. II., N.S., p. 241.



[271] Item presentant quod unus porcus qui fuit predicti Johannis de Rouceby inventus fuit in parco de Blandeby mense defenso non agistatus precii ij<sup>s</sup>. Ideo idem Johannes respondebit.

Item presentant quod duo porci qui fuerunt Nicholai filii Ricardi qui obiit inventi fuerunt in foresta mense defenso non agistati precii iij<sup>s</sup>, unde Johannes filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Nicholai respondebit.

Item presentant quod sex porcelli qui fuerunt Michaelis forestarii capti fuerunt in parco de Blandeby mense defenso non agistati precii iij<sup>s</sup> vj<sup>d</sup>, unde tenentes terrarum et tenementorum que fuerunt Ricardi de Shelton [? Skelton] nuper custodis respondebunt.

Item presentant quod duo equi qui fuerunt Alani de Alverstan qui obiit inventi fuerunt in parco de Blandeby per wardam factam sine agistamento qui domino sunt forisfacti precii v<sup>s</sup>, unde iidem tenentes respondebunt.

Item presentant quod duo equi precii x<sup>s</sup> qui fuerunt Radulphi Bercarii qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui domino sunt forisfacti, unde iidem tenentes respondebunt.

Item presentant quod unus equus precii x<sup>s</sup> qui fuit Ricardi de Sivelyngton qui obiit inventus fuit ibidem per wardam factam sine agistamento qui domino est forisfactus, unde iidem tenentes respondebunt.

Item presentant quod duo equi precii x<sup>s</sup> qui fuerunt Brus Erchebaud qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui domino sunt forisfacti, unde iidem tenentes respondebunt.

Item presentant quod duo equi precii x<sup>s</sup> qui fuerunt Willelmi Fotyng qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui modo sunt forisfacti, unde iidem tenentes terrarum et tenementorum que fuerunt predicti Ricardi de Shelton nuper custodis respondebunt etc.

in Blansby Park one pig worth 2<sup>s</sup>, the property of the same John de Roxby; in the forest two pigs worth 4<sup>s</sup>, the property of the late Nicholas, son of Richard, his son and heir, John, is responsible; in Blansby Park, for all which the successors of Richard de Skelton, the late keeper, are responsible, six young pigs worth 3<sup>s</sup> 6<sup>d</sup>, the property of Michael the forester, two horses worth 5<sup>s</sup>, the property of the late Alan de Allerston, two horses worth 10<sup>s</sup>, the property of the late Ralph the shepherd, one horse worth 10<sup>s</sup>, the property of the late Richard de Sinnington, two horses worth 10<sup>s</sup>, the property of the late Archibald Bruce, two horses worth 10<sup>s</sup>, the property of the late William Fotyng, two horses worth 10<sup>s</sup>, the property of the late

Item presentant quod duo equi precii x<sup>s</sup> qui fuerunt Willelmi Jurour qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui domino sunt forisfacti, unde Ricardus Jurour filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Willelmi respondebit.

Item presentant quod duo equi precii x<sup>s</sup> qui fuerunt Ingelrami le forester qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui domino sunt forisfacti, unde tenentes terrarum et tenementorum que fuerunt predicti Ricardi de Shelton nuper custodis respondebunt.

Item presentant quod tres porci precii vj<sup>s</sup> qui fuerunt Nicholai filii Ricardi qui obiit inventi fuerunt in parco de Blandeby per wardam factam sine agistamento qui domino sunt forisfacti, unde Johannes filius Walteri tenens terrarum et tenementorum que fuerunt ipsius Nicholai respondebit.

Item presentant quod tres porci precii vj<sup>s</sup> qui fuerunt Thome de Collom qui obiit inventi fuerunt ibidem per wardam factam sine agistamento qui domino sunt forisfacti, unde Johannes de Dalton et Johannes de Malton tenentes terrarum et tenementorum que fuerunt ipsius Thome respondebunt.

[271b] Item presentant quod sex averia precii cujuslibet iiij<sup>s</sup> que fuerunt Walteri filii Lucie qui obiit inventa fuerunt in Aleyntoftes per wardam factam sine agistamento, unde Alexander de Bergh tenens terrarum et tenementorum que fuerunt ipsius Walteri respondebit.

Item presentant quod septem bidentes precii cujuslibet xij<sup>d</sup> et duo averia precii viij<sup>s</sup> qui fuerunt Rogeri de Harewode qui obiit inventi fuerunt in Aleyntoftes per wardam factam sine agistamento, unde Abbas de Whiteby respondebit.

Item presentant quod x bidentes precii cujuslibet xij<sup>d</sup> qui fuerunt Ade le Stirkhird inventi fuerunt ibidem per wardam factam, unde idem Adam respondebit.

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William Jurour (for this Richard Jurour, his son and heir, is responsible), two horses worth 10<sup>s</sup>, the property of the late Ingram the forester. There were also found there three pigs worth 6<sup>s</sup>, the property of Nicholas, the son of Richard, for which his successor, John, the son of Walter, is responsible; three pigs worth 6<sup>s</sup>, the property of Thomas de Collom, for which his successors, John de Dalton and John de Malton, are responsible; in Allantofts six cattle worth 4<sup>s</sup> apiece, the property of Walter, the son of Lucy, for which Alexander de Bergh is responsible; seven sheep worth 1<sup>s</sup> apiece and two cattle worth 8<sup>s</sup>, the property of the late Roger de Harwood, for which the Abbot of Whitby is responsible; ten sheep worth 1<sup>s</sup> apiece, the property of

Item presentant quod xvj boves precii cujuslibet v<sup>s</sup> qui fuerunt Roberti filii Willelmi ad portam inventi fuerunt in Aleyntoftes per wardam factam sine agistamento, unde Robertus Wyern tenens terrarum et tenementorum que fuerunt Roberti Wyern nuper unius viridarii et Johannes de Irton tenens terrarum et tenementorum que fuerunt Willelmi [? de Irton] nuper alterius viridarii respondebunt.

Item presentant quod xvij bestie precii cujuslibet iiij<sup>s</sup> et vj porci precii cujuslibet ij<sup>s</sup> inventi fuerunt in Langedon per wardam factam unde tenentes terrarum et tenementorum que fuerunt Ricardi de Shelton nuper custodis foreste respondebunt etc.

Item presentant quod xxiiij boves precii cujuslibet v<sup>s</sup> qui fuerunt Willelmi de Everle qui obiit inventi fuerunt in prato de Dalby post fenem abductum per wardam factam, unde Robertus Bercarius de Ellerburn et Johannes Nebard plegii ipsius Willelmi respondebunt.

Item presentant quod duo boves precii cujuslibet iiij<sup>s</sup> qui fuerunt Rogeri de Morpath qui obiit inventi fuerunt in dominicis domini per wardam factam, unde Willelmus Plays miles tenens terrarum et tenementorum que fuerunt ipsius Rogeri respondebit.

Item presentant quod quinque porci precii x<sup>s</sup> qui fuerunt Laurencii Forester qui obiit inventi fuerunt in parco de Blandeby tempore pannagii non agistati unde David de Neuton filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Laurencii respondebit.

Item presentant quod viij porci precii cujuslibet ij<sup>s</sup> qui fuerunt Godardi Forester qui obiit inventi fuerunt ibidem tempore pannagii non agistati, unde iidem tenentes terrarum et tenementorum que fuerunt Ricardi de Shelton nuper custodis respondebunt.

Adam the Stirkbird, and sixteen oxen worth 5<sup>s</sup> apiece, the property of Robert, son of William at the Gate, for which Robert de Wyern and John de Irton respectively successors of the late verderers Robert de Wyern and William de Irton, are responsible; in Langdale seventeen beasts worth 4<sup>s</sup> apiece and six pigs worth 2<sup>s</sup> apiece, for which the successors of Richard de Skelton are responsible; in Dalby Meadow twenty-four oxen worth 4<sup>s</sup> apiece, the property of William de Everley, for which his sureties, Robert Shepherd, of Ellerburn, and John Nebard are responsible; in the Earl's demesnes two oxen worth 4<sup>s</sup> apiece, the property of the late Roger de Morpath, for which Sir William Plays is responsible; in Blansby Park five pigs worth 10<sup>s</sup>, the property of the late Laurence the forester, for which his son and heir, David de Newton,\* is responsible, and eight pigs worth 2<sup>s</sup> apiece, the property of the late Godard the forester, for which the successors of Richard de Skelton are responsible; as also for six sheep found within

\* He was also a forester, *see* Vol. II., N.S., pp. 53 and 148.

Item presentant quod vj bidentes que fuerunt Matillidis Prat que obiit invente fuerunt infra coopertum cum warda facta sine agistamento precii cujuslibet xij<sup>d</sup>, unde iidem tenentes respondebunt.

Item presentant quod cc bidentes invente fuerunt in dominicis de Langedon que devenerunt ad manus Ricardi de Shelton nuper custodis istius foreste qui obiit, precii cujuslibet xij<sup>d</sup>, unde tenentes terrarum et tenementorum que fuerunt ipsius Ricardi respondebunt.

Item presentant quod xxvij bidentes que fuerunt Petri de Sartino qui obiit invente fuerunt ibidem per wardam factam precii cujuslibet xij<sup>d</sup>, unde Adam filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Petri respondebit.

[272] Item presentant quod vj bidentes que fuerunt Willelmi filii Willelmi filii Ivette de Aton qui obiit invente fuerunt ibidem per wardam factam, precii vj<sup>s</sup>, unde tenentes terrarum et tenementorum que fuerunt predicti Ricardi de Shelton nuper custodis respondebunt.

Item presentant quod lxxxvj boves matrices que fuerunt Roberti filii Beatricis qui obiit invente fuerunt ibidem per wardam factam precii cujuslibet xij<sup>d</sup>, unde iidem tenentes respondebunt.

Item presentant quod c bidentes que fuerunt Rogeri filii Johannis de Selfhou qui obiit invente fuerunt in Foulwode per wardam factam precii c<sup>s</sup>, unde iidem tenentes respondebunt.

Item presentant quod iiij bidentes que fuerunt Ade hominis Petri de Sartrino qui obiit invente fuerunt in dominicis de Langedon per wardam factam precii cujuslibet xij<sup>d</sup>, unde iidem tenentes respondebunt.

Item presentant quod quinquaginta bidentes que fuerunt Radulphi Prest de Suthfeld invente fuerunt in Haia de Scalby per wardam factam precii x<sup>s\*</sup> unde iidem tenentes respondebunt.

the covert worth 1<sup>s</sup> apiece, the property of Matilda Prat, and 200 sheep worth 1<sup>s</sup> apiece, which were found in the demesne lands of Dalby and came to the hands of Richard de Skelton.

There were found in the demesne lands of Dalby twenty-seven sheep worth 1<sup>s</sup> apiece, the property of the late Peter de Sarterye,† for which his son and heir, Adam, is responsible, and six sheep worth 6<sup>s</sup>, the property of William, the son of William, the son of Ivetta of Ayton deceased, and eighty-six ewes worth 1<sup>s</sup> apiece, the property of the late William, son of Beatrice, for which the successors of Richard de Skelton are responsible; as also for 100 sheep worth 5<sup>s</sup>, found in Falwood, the property of the late Roger, son of John of Silpho, four sheep worth 1<sup>s</sup> apiece, found in the demesnes of Langdale, the property of Adam, the man of Peter de Sarterye, and fifty sheep worth 10<sup>s</sup> found in Scalby Hay,

\* This, if correct, is one-fifth of what we should expect

† See Vol. II., N.S., p. 147.

Item presentant quod quadraginta multonum que [sic] fuerunt preceptoris de Foukebrigg invente fuerunt infra dominicum de Dalby per wardam factam precii xl<sup>s</sup>, unde Prior Hospitalis Sancti Johannis Jerusalem in Anglia respondebit.

Item presentant quod l. bidentes villate de Calthorn invente fuerunt in dominicis domini per wardam factam precii v<sup>li</sup>, unde villata predicta de Calthorn respondebit de precio predicto.

Item presentant quod tres porci precii vj<sup>s</sup> et tres porcelli precii ix<sup>d</sup> qui fuerunt Margarete del Dales que obiit inventi fuerunt in dominicis de Langedon per wardam factam, unde Johannes de Helmeswell tenens terrarum et tenementorum que fuerunt ipsius Margarete respondebit.

Item presentant quod vij hoggi porcorum qui fuerunt Ade le Rede de Egton qui obiit inventi fuerunt in Aleyntoftes tempore pannagii sine agistamento precii vij<sup>s</sup>, unde Ricardus le Rede filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Ade respondebit.

Item presentant quod iiij porci qui fuerunt Johannis de Brokeseye qui obiit inventi fuerunt in Langedon per wardam factam precii viij<sup>s</sup>, unde tenentes terrarum et tenementorum que fuerunt Roberti de Wyern et Willelmi de Irton nuper viridariorum respondebunt.

Item presentant quod unum jumentum quod fuit Roberti servientis domine de Salden qui obiit inventum fuit in Langedon per wardam factam precii v<sup>s</sup>, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod unus equus qui fuit Radulphi Pycot qui obiit inventus fuit in Langedon per wardam factam precii iiij<sup>s</sup>, unde iidem tenentes eorundem viridariorum respondebunt.

Item presentant quod xx porci qui fuerunt Roberti ad ecclesiam de

the property of Ralph Prest of Suffield; within the demesne of Dalby, forty wethers worth 40<sup>s</sup>, the property of the Preceptor of Foulbridge, for which the Prior of the Hospital of St. John is responsible; in the Earl's demesnes fifty sheep worth £5, the property of the township of Cawthorn; in the demesnes of Langdale, three pigs worth 6<sup>s</sup>, and three young pigs worth 9<sup>d</sup>, the property of the late Margaret del Dales, for which John de Helmeswell is responsible; in Allantofts, seven hogs worth 7<sup>s</sup>, the property of the late Alan le Rede of Egton, for which Richard le Rede, his son and heir, is responsible.

The successors of the former verderers are responsible for the following, namely: in Langedale, four pigs worth 8<sup>s</sup>, the property of the late John de Broxa, a mare worth 5<sup>s</sup>, the property of Robert, the late servant of the Lady of Sawdon, a horse worth 4<sup>s</sup>, the property of the late Ralph Pycot. There were found in the demesne of Langdale,

Brunston [272b] qui obiit inventi fuerunt in dominicis de Langedon tempore pannagii sine agistamento precii xl<sup>s</sup>, unde Johannes Haylard et Stephanus Lambson tenentes terrarum et tenementorum que fuerunt ipsius Roberti respondebunt.

Item presentant quod unus pullanus abductus fuit per Lille de Suthfeld qui obiit inventus fuit in Haia de Scalby per wardam factam. Ideo ipse in misericordia. Unde Nicholaus Lille filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Lille respondebit.

Item presentant quod xxv bidentes que fuerunt Willelmi filii Willelmi de Suthfeld qui obiit invente fuerunt in Haia de Scalby per wardam factam precii cujuslibet xij<sup>d</sup>, unde iidem tenentes terrarum et tenementorum que fuerunt predicti Ricardi de Shelton nuper custodis respondebunt.

Item presentant quod iij bidentes que fuerunt Nalle atte Cote invente fuerunt ibidem per wardam factam precii iij<sup>s</sup>, unde eadem Nalle respondebit.

Item presentant quod iij porci qui fuerunt Radulphi Frost qui obiit inventi fuerunt ibidem mense defenso sine agistamento precii vj<sup>s</sup>, unde tenentes terrarum et tenementorum que fuerunt Ricardi de Shelton respondebunt.

Item presentant quod unus pullanus qui fuit Galfridi de Lith qui obiit inventus fuit in Haia de Dalby per wardam factam precii xvij<sup>d</sup>, unde Johanna que fuit uxor ejusdem Galfridi et executrix testamenti ipsius Galfridi respondebit.

Item presentant quod unus pullanus qui fuit Willelmi Forestarii qui obiit inventus fuit ibidem per wardam factam precii xvij<sup>d</sup>, unde tenentes terrarum et tenementorum que fuerunt ipsius Ricardi de Shelton nuper custodis respondebunt.

twenty pigs worth £2, the property of the late Robert at Church of Burniston, for which John Haylard and Stephen Lambson are responsible. A colt found in Scalby was carried off by Lille of Suffield, for which Nicolas Lille, his son and heir, is responsible.

There were found in Scalby Hay twenty-five sheep worth 1<sup>s</sup> apiece, the property of the late William, son of William of Suffield, for which the successors of Richard de Skelton are responsible, three sheep worth 3<sup>s</sup>, the property of Nelly [?] at Cote, and three pigs worth 6<sup>s</sup>, the property of the late Ralph Frost, for which the successors of Richard de Skelton are responsible; in Dalby Hay a colt worth 1<sup>s</sup> 6<sup>d</sup>, the property of the late Geoffrey de Lith, for which Joan his widow and executrix is responsible; two colts each worth 1<sup>s</sup> 6<sup>d</sup>, one the property of William the late forester, and the other of the late vicar of Ellerburn, for which the successors of Richard de Skelton are responsible, and a

Item presentant quod unus pullanus qui fuit vicarii de Ellerburn qui obiit inventus fuit ibidem per wardam factam precii xvij<sup>d</sup>, unde iidem tenentes respondebunt.

Item presentant quod unus pullanus qui fuit Roberti del Clyf qui obiit inventus fuit ibidem per wardam factam precii xvij<sup>d</sup>, unde Bernardus de Bergh et Willelmus Latymer nuper viridarii respondebunt.

Item presentant quod iiij porci qui fuerunt Galfridi filii Bartholomei qui obiit inventi fuerunt in Langedon per wardam factam precii viij<sup>s</sup>, unde Bartholomeus filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Galfridi respondebit.

Item presentant quod iij equi qui fuerunt Galfridi Hogherd de Mardeson qui obiit inventi fuerunt in dominicis de Langedon per wardam factam precii x<sup>s</sup>, unde Willelmus filius ejus et heres tenens terrarum et tenementorum que fuerunt eorundem viridariorum respondebunt [*sic*].

Item presentant quod unus pullanus qui fuit Roberti de Killyngton qui obiit inventus fuit in Haia de Scalby per wardam factam precii ij<sup>s</sup>, unde Willelmus filius ejus et heres tenens terrarum et tenementorum que fuerunt ipsius Roberti respondebit.

Item presentant quod una sus que fuit Adam Staumpes qui obiit inventa fuit in dominicis de Langedon per wardam factam, unde Robertus et Johannes [273] filii ejus et heredes\* tenentes terrarum et tenementorum que fuerunt ipsius Alani [*sic*] respondebunt.

Item presentant quod duo equi qui fuerunt Hugonis de Heybourn qui obiit inventi fuerunt infra dominicum per wardam factam precii x<sup>s</sup>, unde Radulphus de Cloghton tenens terrarum et tenementorum que fuerunt ipsius Hugonis respondebit.

Item presentant quod septem staggi qui fuerunt Prioris de Malton inventi fuerunt in Aleyntoftes per wardam factam precii xxiiij<sup>s</sup>, unde idem Prior respondebit.

colt also worth 1<sup>s</sup> 6<sup>d</sup>, the property of the late Robert del Clif, for which the late verderers, Bernard de Bergh and William Latimer are responsible ; in Langdale, four pigs worth 8<sup>s</sup>, the property of Geoffrey, son of Bartholomew, for which Bartholomew, his son and heir, is responsible, and three horses worth 10<sup>s</sup>, the property of the late Geoffrey Hogherd of Mardeson in Scalby Hay ; a colt worth 2<sup>s</sup>, the property of Robert de Killington, for which William, his son and heir, is responsible ; in the demesnes of Langdale, a sow, the property of the late Adam [? Alan] Stamps, for which his sons and heirs, Robert and John, are responsible ; within the demesne, two horses worth 10<sup>s</sup>, the property of the late Hugh de Hayburn, for which Ralph de Cloughton is responsible ; in Allantofts, seven young horses worth £1 4<sup>s</sup>, the property of

\* This is worthy of note as evidencing the custom of gavelkind.

Item presentant quod novem porci qui fuerunt Prioris de Bridlington inventi fuerunt in Haia de Scalby mense defenso sine agistamento precii xvij<sup>s</sup>, unde idem Prior respondebit.

Item presentant quod c bidentes que fuerunt Alani de Billaclif qui obiit inventi fuerunt in Haia de Scalby noctanter precii c<sup>s</sup>, unde iidem tenentes terrarum et tenementorum que fuerunt predicti Ricardi de Shelton\* respondebunt.

Item presentant quod duo porci qui fuerunt Prioris de Bridlington inventi fuerunt ibidem mense defenso sine agistamento, precii iij<sup>s</sup>, unde idem Prior respondebit.

Item presentant quod l bidentes qui fuerunt Nicholai filii Ricardi Hert qui obiit inventi fuerunt in dominicis domini per wardam factam precii xl<sup>s</sup>, unde Ricardus Russel tenens terrarum et tenementorum que fuerunt ipsius Nicholai respondebit.

Item presentant quod unus equus qui fuit Adam [? Alani] filii Ricardi de Wrelton inventus fuit in dominicis de Dalby per wardam factam precii xl<sup>d</sup>. Ideo idem Alanus respondebit.

Item presentant quod quatuor porci precii viij<sup>s</sup> et sex hoggi precii vj<sup>s</sup> qui fuerunt Magistri de Staynton infra coopertum inventi fuerunt mense defenso sine agistamento, unde Prior Hospitalis sancti Johannis Jerusalem in Anglia respondebit.

Item presentant quod unus equus qui fuit Galfridi Joperel qui obiit inventus fuit in Aleyntoftes per wardam factam precii ij<sup>s</sup> unde tenentes terrarum et tenementorum que fuerunt Willelmi Leure nuper custodis respondebunt.

Item presentant quod quatuor hoggi porcorum inventi fuerunt in

the Prior of Malton ; in Scalby Hay, nine pigs worth 18<sup>s</sup>, the property of the Prior of Bridlington, 100 sheep worth £5, found at night, the property of the late Alan de Billaclif, for which the successors of Richard de Skelton are responsible, and two pigs worth 4<sup>s</sup>, the property of the Prior of Bridlington ; in the Earl's demesne, fifty sheep worth £2, the property of the late Nicholas, son of Richard Hart, for which Richard Russell is responsible ; in the demesnes of Dalby, a horse worth 3<sup>s</sup> 4<sup>d</sup>, the property of Alan, son of Richard de Wrelton ; within the covert four pigs worth 8<sup>s</sup>, and six hogs worth 6<sup>s</sup>, the property of the Master of Stainton, for which the Prior of the Knights Hospitallers is responsible ; in Allantofts, a horse worth 2<sup>s</sup>, the property of the late Geoffrey Joperell, for which the successors of William L'Eure, late keeper, are responsible, as also for four hogs worth 2<sup>s</sup>, found in Scalby Hay ; in Allantofts, five cattle worth £1, the property of the late Thomas le

\* He is called Shelton not Skelton in the appointment of him. Pat. Roll 28, Ed. I., m. 8, to levy men for Scotch expedition.



Haia de Scalby per wardam factam precii ij<sup>s</sup>, unde iidem tenentes respondebunt.

Item presentant quod v averia que fuerunt Thome le Man qui obiit inventa fuerunt in Aleyntoftes per wardam factam precii xx<sup>s</sup>, unde tenentes terrarum et tenementorum que fuerunt ipsius Thome respondebunt.

Item presentant quod vij porci qui fuerunt Roberti de Beverle qui obiit inventi fuerunt infra coopertum mense defenso sine agistamento precii vij<sup>s</sup>, unde Johannes Meaux\* tenens terrarum et tenementorum que fuerunt ipsius Roberti respondebit.

Item presentant quod v hoggi porcorum qui fuerunt predicti Roberti qui obiit inventi fuerunt infra coopertum mense defenso sine agistamento precii v<sup>s</sup>, unde idem Johannes tenens terrarum et tenementorum que fuerunt ipsius Roberti respondebit.

Item presentant quod anno regni domini E. patris domini Regis nunc quarto sex boves et due vacce que fuerunt persone de Lastingham precii xxx<sup>s</sup>, et tres boves et unum stirk qui fuerunt Henrici le Wodeward precii xj<sup>s</sup> viij<sup>d</sup>, et una [273b] bovetta que fuit Philippi le forester precii iiij<sup>s</sup>, et unum stirk quod fuit Walteri filii Willelmi precii xx<sup>d</sup>, et duo boves qui fuerunt Galfridi filii Hugonis precii viij<sup>s</sup>, et una vacca, duo boves et unus vitulus qui fuerunt Walteri Bateman precii xij<sup>s</sup> iiij<sup>d</sup>, et iij boves qui fuerunt Hugonis filii Galfridi precii xij<sup>s</sup>, et x boves, iiij vacce et tria stirks qui fuerunt Roberti de Duuethweyt precii lvij<sup>s</sup>, et iij boves qui fuerunt Willelmi de Duuethweyt precii xij<sup>s</sup>, et unum stirk quod fuit Willelmi filii Roberti de Duuethweyt precii xx<sup>d</sup>, et unus bos qui fuit Agnetis de Spaunton precii iiij<sup>s</sup>, et tres boves qui fuerunt Walteri de Duuethweyt precii xij<sup>s</sup>, et tres boves et una vacca qui fuerunt Johannis

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Man; within the covert seven pigs and five hogs worth 7<sup>s</sup> and 5<sup>s</sup> respectively, the property of the late Robert de Beverley, for which John Meaux is responsible.

In the year 1310 to 1311 six oxen and two cows worth £1 10<sup>s</sup>, the property of the Rector of Lastingham, three oxen and a stirk worth 11<sup>s</sup> 8<sup>d</sup>, the property of Henry the woodward, a heifer worth 4<sup>s</sup>, the property of Philip the forester, a stirk 1<sup>s</sup> 8<sup>d</sup>, of Walter, the son of William, two oxen, of Geoffrey, son 8<sup>s</sup> of Hugh, a cow, two oxen, and a calf 12<sup>s</sup> 4<sup>d</sup>, of Walter Bateman, three oxen 12<sup>s</sup>, of Hugh, son of Geoffrey, ten oxen, four cows, and three stirks £2 17<sup>s</sup>, of Robert de Dowthweyt, three oxen 12<sup>s</sup>, of William de Dowthweyt, a stirk 1<sup>s</sup> 8<sup>d</sup>, of William, son of Robert de Dowthweyt, an ox 4<sup>s</sup>, of Agnes de Spaunton, three oxen 12<sup>s</sup>, of Walter de Dowthweyt, three oxen and a cow 15<sup>s</sup>, of John de Hutton in the Hole, a mare 3<sup>s</sup>, of Walter of the

\* See Vol. II., N.S., Introduction, p. xxvii.

de Heton Underhegh precii xv<sup>s</sup>, et unum jumentum quod fuit Walteri de Mora de Hoton precii iij<sup>s</sup>, et v boves et unum stirk qui fuerunt Johannis Moryng de Duuethweyt precii xxj<sup>s</sup> iij<sup>d</sup>, et tres boves et una vacca que fuerunt Willelmi Overwater precii xix<sup>s</sup>, et tres boves due vacce et duo vituli qui fuerunt Stephani Dryng precii xxj<sup>s</sup> iij<sup>d</sup>, et duo boves qui fuerunt Stephani filii Rose precii viij<sup>s</sup>, et tres boves et una vacca qui fuerunt Willelmi filii Benedicti precii xv<sup>s</sup>, et iij boves qui fuerunt Willelmi filii ejus precii xvj<sup>s</sup>, et iij boves qui fuerunt Roberti filii Benedicti precii xvj<sup>s</sup>, et iij boves qui fuerunt Willelmi de Eppelby precii xvj<sup>s</sup>, et unus bos et unum stirk qui fuerunt Willelmi Westiby precii v<sup>s</sup> viij<sup>d</sup>, et una vacca que fuit Roberti Rodbrayth precii iij<sup>s</sup>, et tres boves, una vacca et unum stirk qui fuerunt Willelmi filii Johannis precii xvj<sup>s</sup> viij<sup>d</sup>, et duo boves qui fuerunt Stephani del Hill precii viij<sup>s</sup>, et unus bos qui fuit Elene Cokerel precii iij<sup>s</sup>, et tres boves qui fuerunt Willelmi filii Thome precii xij<sup>s</sup>, et v boves qui fuerunt Johannis de Spaunton precii xx<sup>s</sup>, et tres boves qui fuerunt Alicie filie Stephani precii xij<sup>s</sup>, et iij boves et una vacca qui fuerunt Willelmi Northiby precii xix<sup>s</sup>, et duo stirks que fuerunt Willelmi Couper precii iij<sup>s</sup> iij<sup>d</sup>, et unum stirk quod fuit Thome filii Cecilie precii xx<sup>d</sup>, et v boves et v stirks qui fuerunt hominum villate de Marton precii xxvij<sup>s</sup> iij<sup>d</sup>, inventi fuerunt in foresta ista in alta mora in dominicis domini juxta Lefhou per wardam factam que forisfaciuntur domino precii predicti. Ideo quilibet eorum respondebit pro precio averiorum suorum. Postea testatum est per ministros predictos quod averia predicta liberata fuerunt

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Moor of Hutton, five oxen and a stirk £1 1<sup>s</sup> 3<sup>d</sup>, of John Moryng of Dowthweyt, three oxen and a cow 19<sup>s</sup>, of William Overwater, three oxen, two cows, and two calves £1 1<sup>s</sup> 4<sup>d</sup>, of Stephen Dryng, two oxen 8<sup>s</sup>, of Stephen, son of Rose, three oxen and a cow 15<sup>s</sup>, of William, son of Benet, four oxen 16<sup>s</sup>, of William his son, four oxen 16<sup>s</sup>, of Robert, son of Benet, four oxen 16<sup>s</sup>, of William de Appleby, an ox and a stirk 5<sup>s</sup> 8<sup>d</sup>, of William Westby, a cow 3<sup>s</sup>, of Robert Rodbrayth, three oxen, a cow, and a stirk 16<sup>s</sup> 8<sup>d</sup>, of William, son of John, two oxen 8<sup>s</sup>, of Stephen del Hill, an ox 4<sup>s</sup>, of Helen Cokerell, three oxen 12<sup>s</sup>, of William, son of Thomas, five oxen £1, of John de Spaunton, three oxen 12<sup>s</sup>, of Alice, daughter of Stephen, three oxen and a cow 19<sup>s</sup>, of William Northby, two stirks 3<sup>s</sup> 4<sup>d</sup>, of William Couper, one stirk 1<sup>s</sup> 8<sup>d</sup>, of Thomas, son of Cecilia, five oxen and five stirks £1 8<sup>s</sup> 4<sup>d</sup>, of the men of the township of Marton, were found on the High Moor, in the forest in the Earl's demesnes near Leaf Howe on making ward, which are forfeited to the Earl at the above values. Each of them is responsible for the price of his animal. Afterwards it appears that the animals were delivered to John Cruel and Adam de Thormotby, the

sub precio xxij<sup>li</sup> xij<sup>s</sup> Johanni Cruel et Ade de Thormotby ballivis tunc Abbatis beate Marie Eboracensis tempore domini Thome tunc comitis Lancastrie fratris comitis qui nunc est cujus heres ipse est de mandato ipsius Thome, eo quod forisfactam predictam ei pardonavit. Ideo etc.

Item presentant quod anno regni domini E. patris domini Regis nunc supradicto duo boves qui fuerunt Nicholai Parcarii de Kirkeby Morset precii viij<sup>s</sup>, et vj boves et tria stirks qui fuerunt Willelmi in le Hirne precii xxix<sup>s</sup>, et iiij boves et duo stirks qui fuerunt Willelmi Cundy de eadem precii xix<sup>s</sup> iiij<sup>d</sup>, [274] et unus bos et tria jumenta qui fuerunt Thome filii Constancie de eadem precii xij<sup>s</sup>, et due vacce que fuerunt Stephani Brounyng de eadem precii vj<sup>s</sup>, et unum jumentum quod fuit Thome Blank de eadem precii iiij<sup>s</sup> et unum stirk quod fuit Willelmi filii Ade de eadem precii xx<sup>d</sup>, et una vacca que fuit Thome filii Laurencii de eadem precii iiij<sup>s</sup>, et unus bos qui fuit Alani de Werdale de eadem precii iiij<sup>s</sup>, et unum stirk quod fuit Alani Bagot de eadem precii xx<sup>d</sup>, et unum stirk quod fuit Rogeri Tan [or Tau] de eadem precii xx<sup>d</sup>, et xj boves qui fuerunt Johannis forester de Gillingmor precii xliij<sup>s</sup>, et unus bos et duo stirks qui fuerunt Roberti fabri de Farndale precii vij<sup>s</sup> iiij<sup>d</sup>, et v boves qui fuerunt Walteri filii ejusdem Roberti de eadem precii xx<sup>s</sup>, et tres boves qui fuerunt Johannis filii Simonis de eadem precii xij<sup>s</sup>, et una vacca et unum stirk precii iiij<sup>s</sup> viij<sup>d</sup> que fuerunt Hugonis Leverok de eadem, et iiij boves et tria stirks qui fuerunt Simonis Cundy de Kirkeby Morset precii xxj<sup>s</sup>, et sex boves qui fuerunt Willelmi Stibbyng

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bailiffs of the then Abbot of St. Mary's, York, in the time of Thomas, Earl Lancaster, at the latter's command, for the sum of £22 13<sup>s</sup>, because he pardoned him the forfeiture.\*

In the same year two oxen, the property of Nicholas the Parker, worth 8<sup>s</sup>, six oxen and three stirks of William in the Horn £1 9<sup>s</sup>, four oxen and two stirks of William Cundy 19<sup>s</sup> 4<sup>d</sup>, an ox and three mares of Thomas, son of Constance, 13<sup>s</sup>, two cows of Stephen Browning 6<sup>s</sup>, a mare of Thomas White 3<sup>s</sup>, a stirk of William, son of Adam, 1<sup>s</sup> 8<sup>d</sup>, a cow of Thomas, son of Laurence 3<sup>s</sup>, an ox of Alan de Weardale 4<sup>s</sup>, a stirk of Alan Bagot 1<sup>s</sup> 8<sup>d</sup>, a stirk of Roger Tan 1<sup>s</sup> 8<sup>d</sup>, all of Kirby Moorside; eleven oxen of John the forester of Gillingmoor £2 4<sup>s</sup>; an ox and two stirks of Robert the smith 7<sup>s</sup> 4<sup>d</sup>, five oxen of Walter, his son, £1, three oxen of John, son of Simon, 12<sup>s</sup>, a cow and a stirk of Hugh Laverock 4<sup>s</sup> 8<sup>d</sup>, all of Farndale; four oxen and three stirks of Simon Cundy of Kirkby Moorside £1 1<sup>s</sup>, six oxen of William Stibbing

\* I do not pretend to understand this. Who was pardoned is not quite clear, and the sum mentioned is almost, if allowing for slight errors in copying, quite the same as the total of the fines. Probably they were all tenants of the Abbot whose bailiffs redeemed them, but this does not explain everything.

de Farndale precii xxiiij<sup>s</sup>, et v boves et iiij vacce et iiij stirks qui fuerunt Willelmi de Waldehus de eadem precii xxxviiij<sup>s</sup> viij<sup>d</sup>, et iiij boves et unum stirk qui fuerunt Johannis filii Walteri de eadem precii xvij<sup>s</sup> viij<sup>d</sup>, et una vacca que fuit Alicie filie Rogeri precii iij<sup>s</sup>, et sex boves, duo boveti et duo jumenta que fuerunt Henrici filii Hugonis de eadem precii xxxviiij<sup>s</sup>, et sex boves et una vacca qui fuerunt Nicholai filii Ade de eadem precii xxvij<sup>s</sup>, et sex boves qui fuerunt Hugonis del Radmire de eadem precii xxiiij<sup>s</sup>, et quinque boves qui fuerunt Willelmi ad portam de eadem precii xx<sup>s</sup>, et ix boves, una vacca et unum stirk qui fuerunt Johannis Bercarii de eadem precii xlj<sup>s</sup> viij<sup>d</sup>, et una bovetta que fuit Rogeri garcionis ejus precii iiij<sup>s</sup>, et unus bos et una bovetta qui fuerunt Nicholai de Harland de eadem precii vij<sup>s</sup>, et iiij boves et due vacce qui fuerunt Alani de Wrelton\* de eadem precii xix<sup>s</sup>, et due bovette et unus bos qui fuerunt Stephani filii Willelmi precii xij<sup>s</sup>, et iiij boves, iij bovette, una vacca, duo jumenta et j stirk qui fuerunt Johannis filii Helewis precii xxxviiij<sup>s</sup> viij<sup>d</sup>, et una vacca que fuit Matillidis la Huntere precii iij<sup>s</sup>, et vj boves qui fuerunt Ade de Marton precii xxiiij<sup>s</sup>, et iiij boves qui fuerunt persone de Northmanby precii xvj<sup>s</sup>, et duo boves qui fuerunt Ricardi de Calthorn precii viij<sup>s</sup>, et unus vitulus qui fuit Thome Tendant precii xvj<sup>d</sup>, et unum stirk quod fuit Agnetis filie Willelmi clerici precii xx<sup>d</sup>, et unum stirk quod fuit Thome Sitewell precii xx<sup>d</sup>, et unus bos qui fuit Nicholai filii Ricardi de Kirkeby precii iiij<sup>s</sup>, et unum stirk quod fuit Walteri del Wode precii xx<sup>d</sup>, et duo boves

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£1 4<sup>s</sup>, five oxen, four cows and four stirks of William de Woldhouse†  
 £1 18<sup>s</sup> 8<sup>d</sup>, four oxen and a stirk of John, son of Walter 17<sup>s</sup> 8<sup>d</sup>, a cow of Alice, daughter of Roger, 3<sup>s</sup>, six oxen, two young oxen and two mares of Henry, son of Hugh, £1 18<sup>s</sup>, six oxen and a cow of Nicholas, son of Adam, £1 7<sup>s</sup>, six oxen of Hugh del Redmire £1 4<sup>s</sup>, five oxen of William at the Gate £1, nine oxen, a cow and a stirk of John Shepherd £2 1<sup>s</sup> 8<sup>d</sup>, a heifer of Roger, his servant, 4<sup>s</sup>, an ox and a heifer of Nicholas de Harland 7<sup>s</sup>, four oxen and two cows of Alan de Wrelton 19<sup>s</sup>, all of Farndale; two heifers and an ox of Stephen, son of William, 12<sup>s</sup>, four oxen, three heifers, a cow, two mares and a stirk of John, son of Helewis, £1 18<sup>s</sup> 8<sup>d</sup>, a cow of Matilda the huntress‡ 3<sup>s</sup>, six oxen of Adam de Marton £1 4<sup>s</sup>, four oxen of the Rector of Normanby 16<sup>s</sup>, two oxen of Richard de Cawthorn 8<sup>s</sup>, a calf of Thomas Tendant 1<sup>s</sup> 4<sup>d</sup>, a stirk of Agnes, daughter of William the clerk 1<sup>s</sup> 8<sup>d</sup>, a stirk of Thomas Sitwell 1<sup>s</sup> 8<sup>d</sup>, an ox of Nicholas, son of Richard of Kirkby Moorside, 4<sup>s</sup>, a stirk of Walter del Wode 1<sup>s</sup> 8<sup>d</sup>, two oxen of

\* This can, I think, scarcely be the late forester of fee, mentioned at Vol. II., N.S., p. 55.

† Near Flixton.

‡ This, if a nickname, is worthy of notice.

qui fuerunt Roberti filii Lyolf precii viij<sup>s</sup>, et unus bos et una vacca qui fuerunt Willelmi de Merston precii vij<sup>s</sup>, et duo boves qui fuerunt Petri Wyles de Egton precii viij<sup>s</sup>, et unum stirk quod fuit Theobaldi de Cropton precii xx<sup>d</sup> inventi fuerunt in foresta predicta ibidem per wardam factam que forisfaciuntur domino precii predicti. Ideo quilibet ipsorum respondebit de precio averiorum suorum. [274b]. Summa tocius forisfacture xxx<sup>li</sup>.

Postea venit Thomas\* dominus de Lydel et dicit quod predictus Robertus† Parcarius et omnes alii preterquam predicti persona de Northmanby, Ricardus de Calthorn, Thomas Tendant, Agnes filia Willelmi clerici et Thomas Sitewell sunt homines et tenentes sui, et pro seipso et eis dicit quod statim postquam averia predicta forisfacta fuerunt per hujusmodi wardam predicti homines et tenentes sui denarios predictos sub precio predicto Johanni de Dalton tunc constabulario domini Thome tunc comitis Lancastrie fratris domini comitis nunc cujus heres ipse est, castri predicti et custodi foreste predictae, et Rogero le Long tunc clerico ipsius constabularii solverunt, et hoc paratus est verificare per omnes ministros istius foreste, et petit quod predicti Johannes et Rogerus tunc constabularius et clericus veniant ad ipsum et tenentes suos in hac parte exonerandos. Et predictus Rogerus presens in curia bene cognovit se denarios predictos nomine et precepto predicti Johannis de Dalton tunc magistri et constabularii castri predicti recepisse ut clericus ipsius Johannis ad opus dicti domini Thome tunc comitis et inde vocat predictum

Robert, son of Lyolf, 8<sup>s</sup>, an ox and a cow of William de Marston 7<sup>s</sup>, two oxen of Peter Wyles of Egton 8<sup>s</sup>, and a stirk of Theobald de Cropton 1<sup>s</sup> 8<sup>d</sup>, were found in the forest and forfeited. Each is to be responsible for the value of his animal. Total £30.

Afterwards Thomas Wake, Lord of Liddell, appears and says that all the above named, except the Rector of Normanby, Richard de Cawthorn, Thomas Tendant, Agnes, daughter of William the clerk, and Thomas Sitwell are his men and tenants, and for himself and them he says that immediately after the animals were forfeited his tenants paid the sums at which they were apprized to John de Dalton, then Constable of the Castle and Keeper of the forest for Thomas Earl of Lancaster, and to Roger le Long the Constable's clerk, and this he is ready to prove, and he asks that the Constable and his clerk may be summoned to exonerate him and his tenants. Roger being present in court acknowledges that he received the money in the name and by order of his master, John de Dalton, then Constable, as his clerk, for the use of Earl Thomas, and he calls upon John. John being present

\* *i.e.*, Thomas Wake.

† Called Nicholas before.

Johannem ; qui quidem Johannes presens in curia non cognoscendus [?] receptionem denariorum predictorum pro seipso et Rogero dicit quod denarii predicti computati fuerunt in compoto tunc prepositi de Pikeryng coram auditoribus compoti predicti Thome tunc comitis anno regni dicti domini E. patris domini Regis nunc quarto, qui quidem prepositus inde et de aliis exitibus ballive de Pikeryng allocacionem possidebat, et de hoc vocat recordum rotulorum compoti predicti coram auditoribus predictis, et habeant hic ad proximam sessionem etc.

Adhuc de manucapcione eorum qui convicti sunt de transgressione venacionis in foresta predicta quod amodo bene se gerent et in foresta ista predicta non forisfacient.

Manuaptores *Willelmi Touchepryk*\* Adam de Bewer, Willelmus de Ampelford, Rogerus Trutcock, Walterus Trussele, . . . . *Thome filii Johannis le clerck de Levesham* Johannes clerck de Levesham, Alanus de Neuton, Willelmus Shepherd, Walterus Trussele, . . . . *Galfridi filii Simonis del Hull* Simon del Hull, Robertus Scot, Radulphus del Dale, Thomas Martegale, . . . . *Johannis Scot de Lokton* Robertus Scot de Lokton, Radulphus de la Dale, Thomas Martegale, Hugo le Taillour de Lokton, . . . . *Willelmi Curcy* [275] Radulphus Hastings miles, Willelmus Plays miles, Thomes Bret, Nicholaus Gower, . . . . *Ricardi de Helmesle* Johannes Scarp, Willelmus de Gilyngmore, Radulphus filius Matillidis, Johannes de Malton de Pickering, . . . . *Willelmi de Hovigham* Nicholaus de Haldan, Petrus Broun, Radulphus de Assh, Willelmus Fissher, . . . . *Johannes de Helmesle* Nicholaus de Halden, Nicholaus Gower, Nicholaus Courcy, Johannes Chaumpard de Bergh, . . . . *Willelmi de Dundale* Nicholaus de Halden, Petrus Broun de Salden, Johannes Fox, Jordanus Fox, . . . . *Willelmi de Langwath* Radulphus de Hastyng, Thomas Bret,

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in court says that the money was reckoned in the accounts of the reeve of Pickering, before the auditors of Earl Thomas, in the year 1311, and that the said accounts, both as to this matter and the other issues of the bailiwick, were duly passed. He craves leave to refer to the rolls of the proceedings before the auditors. The matter is adjourned until the next sittings.

Sureties for the good behaviour of those who have been convicted of poaching in the forest.

\* As at p. 140 *et seq.* of Vol. II., N.S., the names of those who find sureties are printed in italics. Some of the names have occurred before, but they find fresh sureties.

Nicholaus Gower, Willelmus Courey, . . . . *Johannis de Yeland* Hugo de Yeland, Nicholaus de Halden, Ricardus de Nalton, Nicholaus Gower, Willelmus Courey, . . . . *Hugonis de Yeland* Nicholaus de Halden, Ricardus de Naulton, Nicholaus Gower, Edmundus de Hastyng, . . . . *Johannis de Kiloyngton* Rogerus Trutcok, Radulphus de Morton, Willelmus Courtman, Walterus Trussele, . . . . *Galfridi de Langedon* Galfridus de Haulay, Alanus filius Radulphi, Petrus filius Willelmi de Hoton, Johannes filius Willelmi, . . . . *Johannis Bercarii, persone ecclesie de Levesham, Johannis filii Johannis clerici* Johannes de Levesham, Radulphus del Dale, Robertus Baldelot, Robertus filius Roberti Itory,\* . . . . *Abrahe le Milner* Abraham Knot, Willelmus Lamb, Ricardus filius Rogeri, Radulphus de Morton, . . . . *Willelmi de Roston* Galfridus Haulay, Alanus Dausone, Petrus filius Willelmi de Hoton, Johannes filius Petri de Hoton, . . . . *Willelmi Moyson junioris, Rogeri Drye, Willelmi Smyth de Hakenesse* Galfridus de Haulegh de Hoton,† Alanus filius Radulphi de Roston, Johannes filius Willelmi de Hoton, Petrus filius Willelmi de eadem, . . . . [275b] *Willelmi Capel* Ricardus de Naulton, Thomas Thurney, Henricus Kelk, Radulphus de Morton, . . . . *Alani de Holm* Adam le Rede, Radulphus de Morton, Johannes Dasshe, Petrus Gile, . . . . *Roberti filii Marmeduci de Tweng* Radulphus de Hastyng miles, Willelmus Plays miles, Thomas Bret, Nicholaus Gower, . . . . *Petri filii Henrici le Yonge de Rossedale, Johannis le Calvehird* Abraham Knot, Willelmus del Tung de Hartoft, Johannes le Stirkeherd, Radulphus de Morton, . . . . *Galfridi Wylen de Levesham* Willelmus Broun de Levesham, Willelmus [? filius] Emme de Kynthorp, Willelmus de Wyresdale, Walterus de Levesham, . . . . *Roberti de Lokton* Abraham Snot [? Knot] Johannes Stirkeherde, Willelmus del Tung, Willelmus de Levesham, . . . . *Willelmi Bullok* Abraham Snot [sic], Johannes Stirkeherde, Willelmus del Tung, Johannes Mot, . . . . *Thome Gnatel* Willelmus de Everle, Walterus Trussele, Henricus Kelk, Adam de Bewer, . . . . *Thome de Hamptwayt* David de Neuton, Alanus de Neuton capellanus, Alanus de Neuton, Adam de Neuton . . . . *Rogeri filii Emme de Rossedale* Willelmus del Marays de Pykering, Nicholaus de Repynghale, Willelmus Lombe de Hartoft, Abraham Snot de Rossedale, . . . . *Roberti Moryng, Roberti Stibbyng,* Nicholaus de Repynghale, Abraham Snot de Rossedale, Willelmus Lambe de Hartoft, Johannes filius Emme, . . . . *Willelmi de Yeland* Johannes de Dalton, Ricardus de Naulton, Robertus de Pikeryng, Robertus de Morton, . . . . *Roberti Lelom, Johannis Wodecok* Ricardus

\* The rector himself was also called John, son of Ralph Itory, see Vol. II., N.S., p. 114. Itory is in one place written Story.

† As before, I combine names having the same sureties.

de Naulton, [276] Robertus de Pikeryng, Johannes Mot, Thomas Glaver, . . . . *Willelmi le Wode* Radulphus de Morton, Thomas Blaver, Johannes Lixi, Thomas Fount, . . . . *Johannis Darel* Rogerus Large, Thomas Thurnef, Radulphus de Morton, Nicholaus Haldan, . . . . *Ricardi Darell* Rogerus le Lang,\* Thomas Thurnef, Radulphus de Morton, Nicholaus Haldan, . . . . *Willelmi de Dicerton* Thomas Bret, Willelmus Sterre, Henricus de Kelk, Radulphus de Morton, . . . . *Thome Blount* Nicholaus Haldeyn, Henricus de Kelk, Johannes Broun, Johannes Irlond de Ebreston, . . . . *Johannis filii Gocelini* Willelmus Plays chivaler, Willelmus de Croppyng, Thomas Blount, Johannes Mountpelers, . . . . *Thome de Hippleswell* Nicholaus de Topclyf, Conracus de Tyverton, Johannis de Berneston, Henricus le clerck, . . . . *Johannis de Metham* Radulphus de Hastyng miles, Willelmus Plays miles, . . . . *Roberti Goos de Brokesay* Willelmus de Creppyngges, Robertus de Roderham, Thomas Bret, Henricus de Dale, . . . . *Johannis filii Johannis le Wode molendinariii* Johannes filius Thome de Irton, Willelmus de Creppyng, Henricus de Kelk, Radulphus de Morton, . . . . *Johannis le Rede de Shefhogh* [? *Silpho*] Robertus de Roderham, Walterus de Trusseley, Henricus de Dale, Johannes Filyng, . . . . *Willelmi filii Rogeri Carectarii senioris, Johannis filii Rogeri atte Cros* Willelmus Ward, Thomas Bret, . . . . *Roberti Bealde* Willelmus de Persay miles, Willelmus de Everle, Radulphus de Morton, Henricus de Kelk, . . . . *Willelmi de la Chapel* Ricardus de Naulton, Willelmus Coursy, Radulphus de Morton, Henricus de Kelk, . . . . *Rogeri Nunde* Alanus de Wrelton, Rogerus Trutcok, Henricus de Kelk, Radulphus de Morton, . . . . *Hugonis de Eland chivaler* Radulphus de Hastyng chivaler, Walterus de Crayke chivaler, . . . . *Willelmi filii Alani le Cartere* Willelmus Ward, Thomas Bret, . . . . *Reginaldi Lyard de Scardeburgh* Willelmus Ward, Thomas Bret, . . . . [276b] *Johannis de Brigham* Thomas Bret, Radulphus de Morton, . . . . *Willelmi filii Rogeri de Pert* Willelmus Curcy, Robertus de Pikeryng clericus, . . . . *Willelmi de Ergom capellani* Robertus de Pikeryng, Willelmus de Bruys, . . . . *Ade dictus* [sic] *Adam Prud* Thomas Bret, Robertus de Roderham, . . . . *Willelmi filii Radulphi de Roston* Thomas de Roston, Radulphus de Morton, . . . . *Ricardi filii Henrici Herre* Willelmus Courcy, Robertus de Pikeryng clericus, Thomas de Pikeryng, Johannes de Pert.

\* Evidently the same name as that heading the preceding list.



Placita apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., die Lune proximo post festum sancti Gregorii Pape anno regni domini Regis nunc nono.\*

Preceptum fuit vicecomiti quod venire faciat coram prefatis Justiciariis hic ad hunc diem Robertum de Chibourn, Willelmum le Archer, Johannem de Stokesle, Johannem Stubbyng, Johannem de Landemote, Johannem de Sutton, Johannem de Metham, Robertum de Saltmerssh, Willelmum de Touton capellanum, Walterum de Dyngelby, Johannem de Dyngelby, Robertum filium Simonis de Farndale, Petrum filium Henrici del Tung, Robertum del Clos de Lesteryk,† Ricardum de Richemound sutorem de Whiteby, Willelmum Freman, Johannem Blere, Robertum de Hampton personam ecclesie de Midelton, Johannem filium Henrici del Tung, Walterum de Saynton,‡ Robertum fratrem Thome de Bossale, Willelmum Page wodewardum de Aton, Willelmum Rome, Thomam le wodewardum de Staynton, Ricardum Wrote wodewardum, Willelmum filii Radulphi molendinarius, Willelmum filium Willelmi Jurour, Thomam de Collum, Robertum Porcioun, Willelmum de Eton de Hakeney, Johannem Phelip, Laurencium Mody, Johannem filium Willelmi Maynhermer, Ricardum Wyther, Adam Mabbe, Robertum de Hartoft, Johannem de Boyngton, Rogerum [277] Prisoun,§ Ingelramum le Forester, Radulphum Roke, Galfridum fratrem Marmeduci de Acclom, Radulphum Wacklyn, Adam filium Thome, Hugonem Prudhome, Galfridum Maucovenaunt, Hugonem le Barker de Whiteby, Thomam Bene de Riswarp, Johannem filium Johannis de Seton de Hilderwell, Radulphum Durhem, Henri-

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Pleas held at Pickering on Monday, 13 March, 1335,|| before Richard de Willoughby and John de Hambury.

The Sheriff was ordered to summon the above-named to appear this day before the Justices, to satisfy the Earl for their fines, for poaching in the forest, of which they were convicted before the Justices by the evidence of the foresters, verderers, and other officers. They do not appear, and the Sheriff returns that they are not to be found and have nothing in his bailiwick by means of which they can be attached. He is therefore ordered to seize them and keep them safely, so that he can produce them before the Justices on Monday, 15 May, 1335.

\* In the Calendar at the commencement this is given as March 10<sup>th</sup>, not 12<sup>th</sup>,

† Called Leceryk elsewhere. See Vol. II., N.S., p. 68.

‡ Snaynton in later lists.

§ In a later list this seems written Priscun.

|| I follow here as in the other volumes the new style, 1335 therefore must be understood for 1334-1335, and so of other dates.

cum de Fissheburn, Petrum clericum Henrici de Percy, Martinum le Palfreyman, Robertum filium Rogeri de Birkschowe, Robertum filium Thome on the Grene de Staynton,\* Galfridum de Lepyngdon, Robertum de Acclom, Johannem filium Roberti de Acclom, Galfridum filium Roberti de Acclom, Rogerum de Barneby, Rogerum Peresparker† de Maulay, Alanum venatorem Abbatis de Whiteby, Rogerum Rabuk, Bartholomeum fabrum de Hakenesse, Walterum Foun de Silfou, Reginaldum Burheved de Saldene, Johannem de Hamelton, Mariskinum venatorem Johannis de Hamelton et Robertum fratrem ejusdem Mariskini, Johannem Malkynsone, Willelmum filium Thome filii Stephani, Willelmum de Haverdale, Johannem de Carleton, Willelmum de Rykhale supra Calethorne, Matheum Sturmy, Nicholaum Sturmy, Johannem de Lounesdale, Johannem de Vescy, Alanum filium Johannis de Thornton, Radulphum filium Petri de Marton, Robertum de Westerdale, Johannem Calipanne garcionem Rogeri Haldan, Petrum Sleveles, Alexandrum Pape de Halden, Ricardum filium Willelmi de Eton, Robertum filium Willelmi Spayne de Brumpton, Rogerum filium Cib de Birschou, Petrum de Neuton, Johannem filium Patricii de Westerdale, Johannem Burheved de Salden, Nicholaum de la Ley, Adam Scot, Rogerum de Lokton, Galfridum de Everle, Nicholaum de Levesham garcionem ejusdem Galfridi, Rogerum de Barneby, Thomam filium Stephani de Assheby, Johannem de Marton, Johannem dominum de Berghby, Willelmum Duk forestarium Abbatis de Rievall, Willelmum de Fissheburn, Willelmum de Seteryngton wodewardum de Levesham, Robertum Spynk, Johannem dictum Prester Johan, Johannem de Brigham, Willelmum de Shupton forestarium Abbatis beate Marie Eboracensis, Willelmum de Askeby, Willelmum filium Roberti Todde, Petrum garcionem Petri de Acclom, Johannem Paulyn garcionem ejusdem Petri, Walterum le Hunter, Willelmum Page de Aton, Willelmum filium Radulphi de Roston, Willelmum de Boythorp, Thomam Dauncour,‡ Simonem filium Alani de Scardeburgh, Adam de Lundon de Repilton, Gilbertum de Bulmere manentem in Harewode, Thomam de Hoton, Jacobum de Bulford, Robertum fratrem Willelmi Touchepryk, Johannem Male forester, Johannem garcionem Edmundi de Hastynges junioris, Willelmum Rufait, Radulphum de Yeland, Thomam filium Willelmi de Dales, Johannem de Mora, Radulphum Skynner, Johannem Humet, Herbertum de Yeland, Johannem Kempe, Rogerum de Harewode, Willelmum Couper de Scardeburgh, Rogerum servientem ejusdem Willelmi, Willelmum de Rosels, Adam dictum Proud Adam, Willelmum de Dales, Rogerum Grymet, Robertum le Veutrer, Robertum de Doumfremlyn, Willelmum filium Willelmi de

\* In later lists Steyngate.

† See Vol. II., N.S., p. 87.

‡ Or Danneour.

Fissheburn, Johannem Morolf, Alexandrum Pyper, Adam de Helperthorp et Robertum fratrem ejus, Willelmum Lyard, Robertum filium Alani le Carecter, Johannem Munkeman, Johannem filium Thome le Salter, Willelmum de Fifele, Henry le Lang de Scardeburgh, Michaelum [277b] Rosels, Nicholaum Pykstan, Adam le Spicer, Johannem filium Johannis filii Augustini de Pikeryng, Alanum filium Johannis le Neuthird de Farmanby, Hugonem Savage, Willelmum de Thornyngtwayt, Thomam le Harpou de Comburhalle, Hugonem de Eland, Radulphum de Sheffeld de Kildale, Johannem Egton de Danby, Johannem Wyles, Walterum le Tournour, Johannem servientem Johannis de Bordesden, Henricum Man of Men,\* Edmundum de Waghere, Johannem Fichet, Willelmum filium Rogeri de Pert, Johannem Cruel et Edmundum filium ejus, Willelmum le Parcour, Johannem dictum Jak Hare, Willelmum filium Thome del Hunthous, Willelmum de Everle, Johannem de Daneby, Johannem le Stalker, Willelmum filium Thome molendinarium de Dalton, Willelmum de Kirkeham wodewardum, Thomam filium Alberdi, Rogerum filium Alani le Carter et Willelmum fratrem ejus, Robertum de Helperthorp, Johannem le Munkeman, Willelmum filium Rogeri le Carter, Johannem filium Rogeri ad Crucem, Willelmum filium Lygard et Reginaldum fratrem ejus, Thomam sutorem de Scardeburgh, Walterum Foune, Anselmum de Leyceter, Thomam de Blishton, Johannem servientem Roberti de Percy, Ricardum de Sulby, Willelmum Fossard, Johannem de Calveton, Robertum filium Johannis de Scalby, Johannem servientem Willelmi de Nafferton vicarii ecclesie de Scalby, Ricardum filium Henrici Herre, Willelmum filium Henrici, Adam filium Henrici Rappat, Johannem Abbotsone† de Roscedale, Robertum de Myton servientem de Normanby, Ricardum de Spofford, Jordanum de Aleyntoftes, Ricardum de Shupton de Raskele, Willelmum filium Rogeri le Carter juniorem, Robertum Cut, Johannem de Gosnarch‡ forestarium, Ricardum Russel, Ricardum Moryn de Roscedale, Willelmum Trotan de Spaunton, Rogerum del Milne de Farnedale, Robertum filium Petri de Farndale, Walterum Blachose, Radulphum del Heved et Willelmum del Ergom § capellanum ad satisfaciendum domino Comiti de redempcione sua pro transgressione venacionis in foresta ista facta, unde coram prefatis Justiciariis per

\* Homo hominum, at Vol. II., N.S., p. 86, and therefore not so clearly a slip as I then thought.

† An explanation of Johannes filius Abbe at Vol. II., N.S., p. 107.

‡ Also written Gosnargh.

§ At Yorks. Arch. Society (Record Series), Vol. XII., p. 298, we find Ergum as the old name of Airy Holme in Cleveland; there was also Eryholme near Croft on the Tees, see S. P., p. 228: but possibly Argam near North Burton gives us the name in this place.

forestarios, viridarios et alios ministros convicti sunt; et ipsi non veniunt, et vicecomes retornat quod predicti Robertus de Chibourn et alii non sunt inventi nec aliquid habent in balliva sua per quod possunt attachiari. Ideo preceptum est vicecomiti quod capiat eos si etc., et salvo etc., ita quod habeat corpora eorum hic coram prefatis Justiciariis die Lune proximo post mensem Pasche ad satisfaciendum etc.

Placita tenta apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., die Lune proximo post mensem Pasche anno supradicto.

Preceptum fuit vicecomiti quod caperet etc [the same names with a few omissions, which are probably unintentional, follow, and the writ concludes in the same form] [278b] ita quod habeat corpora eorum coram prefatis Justiciariis die Martis proximo post tres Septimanas Sancti Michaelis ad satisfaciendum.

[279] Placita tenta apud Pikering coram prefatis Ricardo de Wylughby et Johanne de Shardelowe Justiciariis etc., die Martis proximo post tres septimanas Sancti Michalis anno supradicto.

Preceptum fuit vicecomiti sicut alias quod capiat [the same remarks apply to this list. It concludes] [280] Ita quod habeat corpora eorum coram prefatis Justiciariis die Jovis proximo post octabas Purificacionis beate Marie ad satisfaciendum. Ad quem diem Jovis apud Pikeryng coram predicto Johanne de Hambury tantum venit Ricardus de la Pole et protulit breve domini Regis patens in hec verba.\* Edwardus dei gracia Rex Anglie, dominus Hibernie et dux Aquitannie dilecto et fidei suo Ricardo de la Pole salutem. Sciatis quod cum nuper ad requisicionem dilecti consanguinei et fidelis nostri Henrici Comitis Lancastrie constituerimus dilectos et fideles nostros Ricardum de Wylughby, Johannem

Pleas held at Pickering on Monday, 15 May, 1335, before Richard de Willoughby and John de Hambury.

A second order was given to the Sheriff to seize the offenders.

Pleas held at Pickering on Tuesday, 31 October, 1335, before Richard de Willoughby and John de Shardelowe.

An order was given to seize the offenders and produce them on 15 February, 1336, on which day Richard de la Pole appeared before John de Hambury and produced the King's letters patent, which after reciting the appointment of the Justices of the Forest, and that John de

\* See Rot. Pat. 10 Ed. III., pt. 1, m. 43.

de Shardelowe, Robertum de Hungerford et Johannem de Hambury tres vel duos eorum quorum alterum predictorum Ricardi et Johannis de Shardelowe unum esse volumus, Justiciarios ad itinerandum ad placita foreste ejusdem Comitis de Piking in Comitatu Eboracensi a tempore quo Edmundus, nuper comes Lancastrie, pater predicti Henrici cujus heres ipse est, placita foreste in eadem foresta virtute concessionis sibi per dominum E. nuper Regem Anglie avum nostrum inde facte ultimo tenuit; ac prefatus Johannes de Shardelowe premissis faciendis vacare non possit ut accepimus, nos loco ejusdem Johannis de Shardelowe constituimus vos Justiciarium ad premissa una cum predicto Ricardo, Roberto et Johanne de Hambury, duobus vel uno eorum facienda\* intendatis. Mandamus enim eisdem Ricardo, Roberto et Johanni de Hambury quod ipsi, duo vel unus eorum vos loco predicti Johannis de Shardelowe ad hoc in socium admittant sicut predictum est. In cujus rei testimonium has literas nostras fieri fecimus patentes. T. me ipso apud Knaresburgh x die Febr. anno regni nostri decimo.

Et super hoc dominus Rex mandavit prefatis Ricardo de Wylughby, Roberto de Hungerford et Johanni de Hambury, duobus vel uni eorum breve suum clausum in hec verba. Edwardus dei gracia Rex Anglie, dominus Hibernie et dux Aquitannie dilectis et fidelibus suis Ricardo de Wylughby, Roberto de Hungerford et Johanni de Hambury salutem. Cum nuper ad requisicionem dilecti consanguinei et fidelis nostri Henrici Comitis Lancastrie constituerimus vos et dilectum et fidelem nostrum Johannem de Shardelowe, tres et duos vestrum quorum vos, prefate Ricarde, vel predictum Johannem de Shardelowe unum esse volumus, Justiciarios ad itinerandum ad placita foreste ejusdem Comitis de Piking in Comitatu Eboracensi a tempore quo Edmundus, nuper Comes Lancastrie, pater predicti Henrici cujus heres ipse est, placita foreste in eadem foresta virtute concessionis sibi per dominum E. nuper Regem Anglie avum nostrum [280b] inde facte ultimo tenuit; ac prefatus Johannes de Shardelowe premissis faciendis vacare non possit ut accepimus, et nos loco ejusdem Johannis de Shardelowe constituerimus dilectum et fidelem nostrum Ricardum de la Pole Justiciarium ad

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Shardelowe was too much occupied to be able to act as Justice, appointed him, Richard de la Pole, in the place of John de Shardelowe, to act with Richard de Willoughby, Robert de Hungerford, and John de Hambury. The three last-mentioned were directed to receive him as their fellow in the place of John de Shardelowe. Dated Knaresborough, 10 February, 1336. A close writ had also been directed to

\* The following words are omitted as appears from the Patent Rolls:—"et ex-plenda in forma predicta; et ideo vobis mandamus quod ad premissa una cum predictis Ricardo, Roberto et Johanne, duobus vel uno eorum facienda."

premissa una vobiscum, duobus vel uno vestrum facienda et explenda in forma predicta ; et ideo vobis mandamus quatinus vos, duo vel unus vestrum prefatum Ricardum loco prefati Johannis ad hoc in socium admittatis ; mandamus enim eidem Ricardo quod ad hoc una vobiscum duobus vel uno vestrum intendat sicut predictum est. T. me ipso apud Knaresburgh x die Febr. anno regni nostri decimo.

Virtute cujus brevis predictus Johannes de Hambury admisit predictum Ricardum loco predicti Johannis de Shardelowe in socium ad premissa facienda etc.

Placita apud Pikeryng coram prefatis Johanne de Hambury et Ricardo de la Pole Justiciariis etc., predicto die Jovis proximo post octabas Purificacionis beate Marie anno regni dicti domini Regis nunc decimo.

Preceptum fuit vicecomiti sicut pluries quod capiat [again the same list ; after the words per quod attachiari possunt there follows] [281b] Et quia testatum est per predictos ministros quod predicti Robertus de Chibourn et alii vagantes et latitantes sunt in Comitatu predicto et vagantes possunt in eodem inveniri, preceptum est eidem vicecomiti sicut pluries quod capiat eos si etc, ita quod habeat corpora eorum hic etc die Mercurii proximo post festum Ascensionis Domini ad satisfaciendum etc, et sciat vicecomes etc. Ad quem diem placita et processus predicta remanserunt sine die per absenciam omnium Justiciariorum predictorum alibi de mandato dicti domini Regis existencium, super quo dominus Rex postea mandavit prefatis Justiciariis breve suum clausum in hec verba. Edwardus dei gracia Rex Anglie, dominus Hibernie et dux Aquitannie dilectis et fidelibus suis Ricardo de Wylughby, Roberto de Hungerford, Johanni de Hambury et Ricardo de la Pole salutem.

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Richard de Willoughby, Robert de Hungerford, and John de Hambury to the same effect, and bearing the same date. John de Hambury admitted Richard de la Pole to act with him in the place of John de Shardelowe.

Pleas held at Pickering on Thursday, 15 February, 1336, before John de Hambury and Richard de la Pole.

An order was again given to seize the offenders, and as it appeared that they were wandering and hiding in the county, the Sheriff was ordered, as often before, to seize them and produce them on Wednesday, 22 May, 1336.

On which day all the pleas and other proceedings abated, in consequence of the absence of all the Justices, who were occupied elsewhere at the King's command. Afterwards the King directed the following

Cum nuper ad requisicionem [as before down to ultimo tenuit], subsequenterque intelligentes quod idem Johannes de Shardelowe premissis una vobiscum, prefati Ricarde de Wylughby, Roberte et Johannes, duobus vel uno vestrum faciendis vacare non potuit, loco ejusdem [282] Johannis de Shardelowe constituerimus vos, prefate Ricarde de la Pole Justiciarium ad premissa una vobiscum, prefate Ricarde de Wylughby, Roberte et Johannes, duobus vel uno vestrum facienda et explenda, prout in diversis literis nostris patentibus inde confectis plenius continetur : ac tam itinere predicto per vos prefate Ricarde de Wylughby, Roberte et Johannes virtute constitutionumstrarum [? literarum] predictarum quam in diversis placitis inter quosdam fideles nostros et alios coram vobis inchoatis et processibus inde factis, certoque die ad ulterius procedendum in hac parte, videlicet die Mercurii proximo post festum Ascensionis Domini proximum preterito per vos, prefate Johannes et Ricarde de la Pole, prefixo, placita et processus predicta coram vobis pendencia per absenciam vestram, tam prefati Johannes et Ricarde de la Pole, quam prefati Ricarde de Wylughby et Roberte, eo quod tunc alibi in obsequio nostro stetit de mandato nostro, remanserunt sine die tam in ipsius Comitis quam aliorum placita predicta contingencium\* grave dampnum, ut idem comes asserit, nobis supplicando quod de remedio in hac parte providere curemus oportuno. Nos ad hoc quod placita et processus per absenciam hujusmodi et non ex alia causa sine die remanserunt, consideracionem habentes et volentes eo pretextu ne eadem placita et processus taliter depereant, graciosè agere in hac parte, vobis mandamus quod breve nostrum sub testimonio vestro prefate Ricarde de Wylughby vicecomiti nostro Comitatus predicti detis in mandatis quod placita et processus

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close writ to the Justices. After reciting as before the original appointment of the Justices for Pickering Forest, and the appointment of Richard de la Pole in the place of John de Shardelowe ; and that the pleas and proceedings of the Eyre, which had been adjourned to Wednesday, 22 May, 1336, by John de Hambury and Richard de la Pole, had abated in consequence of the absence of all the Justices, who were occupied elsewhere at the King's command, to the loss not only of the Earl but of others whom the pleas affected ; and that the Earl had petitioned for relief in this respect, the King, having regard to the fact that the pleas and proceedings have abated in consequence of the absence of the Justices and for no other cause, and being willing, lest they should thus fail to act graciously, commanded Richard de Willoughby to issue a writ in his name to the Sheriff of the county, ordering him to have the pleas and proceedings before the Justices at

\* Sic in Exchequer. The Duchy Coucher has contingunt.

predicta coram vobis, tribus vel duobus vestrum apud Pikeryng ad aliquem certum diem quem ad hoc duxeritis assignandum in eodem statu quo ad predictum diem Mercurii extiterunt, necnon partes quas placita illa et processus contingunt resumoniri faciat et reattachiari, ac iter predictum ad diem illum et omnia placita et processus predicta ac alia quecunque extunc a die illo que ad vos, tres et duos vestrum juxta assisam foreste pertinent teneatis, faciatis et expleatis, quatinus juxta assisam predictam fuerit faciendum et non obstante quod dicta placita et processus prius inchoata remanserunt sine die sicut predictum est. T. me ipso apud Leycestre primo die Octobris anno regni nostri decimo. Pretextu cujus brevis preceptum est vicecomiti Eboracensi quod venire faciat hic etc die Lune proximo post festum Sancti Andree apostoli predictos Robertum de Chibourn et alios convictos de transgressione venacionis ad satisfaciendum domino Comiti, ita quod placita et processus predicta tunc sint ibidem in eodem statu in quo fuerunt apud Pikeryng predicto die Mercurii proximo post festum Ascensionis Domini anno regni domini Regis nunc decimo quando ajornata fuerunt apud Pikeryng, ad quem diem placita et processus predicta remanserunt sine die per absenciam tam predictorum Johannis de Hambury et Ricardi de la Pole quam predictorum Ricardi de Wylughby et Roberti de Hungerford Justiciariorum etc alibi de mandato domini Regis nunc existencium.

Placita apud Pikeryng tenta coram prefatis Ricardo de Wylughby et Ricardo de la Pole Justiciariis etc, predicto die Lune proximo post festum Sancti Andree apostoli anno supradicto.

[282b] Preceptum fuit vicecomiti quod venire faciat coram prefatis Justiciariis hic ad hunc diem [again the same list with the same

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Pickering, on some day that they should think fit to fix, in the same condition as they were on the said Wednesday, as well as again to summon and attach the parties to whom the pleas and proceedings related, so that the Justices might hold the Eyre on that day, and try and determine the pleas and proceedings and all else that they ought to do according to the Assize of the Forest, notwithstanding the abatement before mentioned. Dated Leicester, 1 October, 1336. By virtue of which writ the Sheriff was directed to summon the above-mentioned offenders to appear on Monday, 2 December, 1336, so that the pleas and proceedings might be in the same condition as they were when they were adjourned to Wednesday, 22 May, 1336, and abated in consequence of the absence of the Justices.

Pleas held at Pickering on Monday, 2 December, 1336, before Richard de Willoughby and Richard de la Pole.

The Sheriff was ordered to summon the same offenders, so that the



description as at page 67 ante to convicti sunt] [283b] Ita quod placita et processus predicta essent hic in eodem statu in quo fuerunt apud Pikeryng predicto die Mercurii proximo post festum Ascensionis Domini proximum preterito quando atterminata fuerunt etc., et remanserunt sine die per absenciam Justiciarorum etc. alibi existencium. Et ipsi non veniunt, et vicecomes retornat quod predicti Robertus de Chibourn et alii non sunt inventi nec aliquid habent in balliva sua per quod possunt attachiari. Ideo preceptum est vicecomiti quod capiat eos si etc., et salvo etc., ita quod habeat corpora eorum hic coram prefatis Justiciariis die Lune in secunda septimana quadragesime ad satisfaciendum etc.

Placita tenta apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., die Lune in secunda septimana quadragesime anno dicti domini Regis nunc xj<sup>mo</sup>.

Preceptum est vicecomiti quod caperet [again the same list with the same return as on page 67. It concludes] [284b] Ideo sicut alias preceptum est vicecomiti quod capiat eos si etc., et salvo etc., ita quod habeat corpora eorum hic coram prefatis Justiciariis die Lune proximo post festum Sancti Mathei [apostoli] ad satisfaciendum etc.

Placita tenta apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. die Lune proximo post festum Sancti Mathei apostoli anno supradicto.

Preceptum est vicecomiti sicut alias quod caperet [again the same list with the usual return] [285b] Ideo sicut pluries preceptum est vicecomiti quod capiat eos etc., et salvo etc., ita quod habeat corpora eorum hic coram prefatis Justiciariis die Lune proximo ante festum Dominice in [286] Ramis Palmarum ad satisfaciendum etc.

pleas and proceedings might be in the same condition as they were on the Wednesday, 22 May, 1336, and abated in consequence of the absence of the Justices. They do not appear, and the Sheriff returns that they are not found and have nothing in his bailiwick by which they can be attached. He is ordered to seize them and produce them on Monday, 17 March, 1337.

Pleas held at Pickering on Monday, 17 March, 1337, before Richard de Willoughby and John de Hambury.

A second order was given to the Sheriff to seize the same offenders and produce them on Monday, 22 September, 1337.

Pleas held at Pickering on Monday, 22 September, 1337, before Richard de Willoughby and John de Hambury.

A third order was given to the Sheriff to seize the same offenders and produce them on Monday, 31 March, 1338.

Placita tenta apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., die Lune proximo ante festum Dominice in Ramis Palmarum anno dicti domini Regis nunc duodecimo etc.

Preceptum est vicecomiti sicut pluries quod caperet [again the same list with the usual return] [287] Ideo exactis illis in instanti itinere primo prout moris est preceptum est vicecomiti quod ulterius eos exigi faciat de Comitatu in Comitatum quousque secundum legem et consuetudinem etc. utlagentur, si non comparuerint, et si comparuerint tunc eos capiat et salvo etc., ita quod habeat corpora eorum hic coram prefatis Justiciariis etc. die Martis proximo post festum Exaltacionis Sancte Crucis ad satisfaciendum etc., et unde vicecomes retornavit etc.

Placita apud Pickering tenta coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., die Martis proximo post festum exaltacionis Sancte Crucis anno supradicto.

Preceptum fuit vicecomiti quod exigi faceret [again the same list] [288] de Comitatu in Comitatum quousque etc. ultagarentur si non comparerent, et si comparerent tunc eos caperet et salvo etc., ita quod haberet corpora eorum hic ad hunc diem ad satisfaciendum domino Comiti de redempcione sua pro transgressione venacionis unde coram prefatis Justiciariis per forestarios, viridarios et alios ministros convicti sunt, et vicecomes, scilicet Radulphus de Hastynges, retornavit quod virtute hujus brevis post quam predicti [again the same list] [289] exacti fuerunt primo in itinere foreste de Pikeryng et non comparuerunt, ad Comitatum Eboracensem tentum die Lune proximo ante festum sancti Gregorii\* anno supradicto predicti Robertus de Chibourn et alii in brevi

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Pleas held at Pickering on Monday, 31 March, 1338, before Richard de Willoughby and John de Hambury.

The offenders having been put in exigent in the present Eyre as the custom is, the Sheriff is ordered further to put them in exigent from County Court to County Court, according to law and custom, so that they be outlawed if they do not appear, but if they do appear they are to be produced here on Tuesday, 15 September, 1338.

Pleas held at Pickering on Tuesday, 15 September, 1338, before Richard de Willoughby and John de Hambury.

Ralph de Hastings, the Sheriff, appeared and made his return, namely, that the offenders were put in exigent the first time in the Eyre at Pickering and did not appear, the second time at the County Court

\* This date is probably a misreading for Georgii.

isto inferius nominati exacti fuerunt secundo secundum formam hujus brevis et non comparuerunt, ad Comitatum Eboracensem tentum die Lune proximo post festum sancte Petronille anno predicto predicti Robertus de Chibourn et alii in brevi isto inferius nominati exacti fuerunt tercio secundum formam hujus brevis et non comparuerunt, ad Comitatum Eboracensem tentum die Lune proximo post festum Translacionis sancti Thome marturis anno predicto predicti Robertus de Chibourn et alii in brevi isto inferius nominati exacti fuerunt quarto et non comparuerunt set manuceperunt [?] per Robertum Gege, ad Comitatum Eboracensem tentum die Lune in festo Sancti Bartholomei anno predicto Johannes de Metham, Robertus de Saltmersh, Henricus de Fissheburn, Henricus de Percy,\* Willelmus filius Rogeri de Pert, Willelmus filius Radulphi de Roston, Simon filius Alani de Scardeburgh, Radulphus de Yeland, Johannes de Mora, Herbertus de Yeland, [289b] Adam dictus Proud Adam, Hugo de Eland, Willelmus frater Rogeri filii Alani le Carter, Johannes filius Rogeri ad Crucem, Reginaldus frater Willelmi filii Lygard, Johannes de Calveton, Willelmus de Ergom capellanus, Willelmus filius Henrici et Johannes de Brigham reddiderunt se prisone domini Regis quorum corpora coram vobis habeo ad diem in brevi isto contentum secundum formam hujus brevis, et ad eundem Comitatum predicti Robertus de Chibourn et omnes alii in brevi isto inferius nominati exacti fuerunt quinto secundum formam hujus brevis et non comparuerunt, ideo in iudicio utlagantur. Et predictus Johannes de Metham, Robertus Saltmersh, Henricus de Fissheburn, Willelmus filius Rogeri de Pert, Willelmus

holden on Monday, 20 April, the third time at the County Court holden on Monday, 1 June, and the fourth time at the County Court holden on Monday, 6 July, on none of which occasions did they appear, but on the fourth occasion John de Metham, Robert de Saltmarsh, Henry de Fishbourn, Henry de Percy, William son of Roger de Pert, William son of Ralph de Ruston, Simon son of Alan de Scarborough, Ralph de Yeland, John de Moor, Herbert de Yeland, Adam called Proud Adam, Hugh de Yeland, William brother of Roger son of Alan le Carter, John son of Roger at Cross, Reginald brother of William son of Ligard, John de Calveton, William de Argam chaplain, William son of Henry, John de Brigham, undertook on the bail of Robert Gege, to appear at the County Court to be held on Monday, 24 August, on which day they appeared and surrendered, and the remainder were put in exigent the fifth time and outlawed. Those who surrendered

\* This is evidently inserted by mistake, as Henry de Percy had not been exacted. For Henry de Fishburn see Vol. II., N.S., p. 79. He was then dead and his son appeared.

filius Radulphi de Roston, Simon filius Alani de Scardeburgh, Radulphus de Yeland, Johannes de Mora, Herbertus de Yeland, Adam dictus Proud Adam, Hugo de Eland, Willelmus frater Rogeri filii Alani le Carter, Willelmus filius Rogeri le Carter,\* Johannes filius Rogeri ad Crucem, Reginaldus frater Willelmi filii Lygardi, Johannes de Calveton, Willelmus de Ergom capellanus, Willelmus filius Henrici et Johannes de Brigham qui se reddiderunt in custodia vicecomitis modo veniunt coram Justiciariis et de transgressione venacionis convicti liberantur prisone, et postea redempti invenerunt manucaptors quod amodo se bene gerent et in foresta predicta non forisfacient, preterquam predicti Herbertus de Yeland et Radulphus de Yeland qui manucapcionem aliquam invenire non curarunt, et ideo liberantur prisone. Et nichilominus inquisitum est per omnes ministros istius foreste et similiter per sacramentum aliorum proborum et legalium hominum istius foreste que bona et catalla, terras et tenementa predicti utlagati habuerunt in Comitatu isto die utlagarie predicte in ipsos promulgate, ad quorumcunque manus devenerint etc., et de valore eorundem terrarum et tenementorum per annum, et de quo teneantur in capite, et quis vel qui domino Comiti inde respondere debeant, et qualiter etc scire faciant hic contra diem Mercurii proximum post festum Sancti Michaelis, ad quem diem predicti jurati dicunt quod predicti utlagati nulla habuerunt terras seu tenementa, bona seu catalla in Comitatu isto die utlagarie predicte seu post, que seisiri possunt tanquam forisfacta, tamen dicunt quod aliquando sunt latitantes in Comitatu isto et alibi, ideo preceptum est vicecomiti quod capiat eos ubicumque eos

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now appear in the custody of the Sheriff, and being convicted of poaching and sentenced to imprisonment were released on payment of a fine and finding sureties, except Herbert de Yeland and Ralph de Yeland, who did not care to find sureties and were imprisoned. Furthermore, inquiry is to be made by the officers of the forest, and other good leal men of the forest, as to what goods and chattels, lands and tenements, the outlaws held in the county on the day when their outlawry was proclaimed, to whosoever hands they might come, as to the yearly value of the lands and tenements, and of whom they are held in chief, and who are responsible to the Earl for the same, and how, and the result is to be made known on Wednesday, 30 September, 1338. On which day the Jury say that the outlaws had not on the day when the outlawry was proclaimed, or afterwards, any lands or tenements, goods or chattels, in the county which could be seized as forfeited, but they say that they are sometimes hiding in the country and elsewhere, wherefore the sheriff is bidden to seize them wherever he may

\* Not mentioned above.

inveniri contigerit tam infra libertatem quam extra, et eos salvo custodiat usque ad proximam assisam cum Justiciarii in partibus istis venerint ad standum ibidem recto etc.

[290] Attornati recepti apud Pikeryng coram Ricardo de Wylughby, Roberto de Hungerford et Johanne de Hambury Justiciariis itinerantibus in foresta Henrici Comitis Lancastrie de Pikeryng die Lune proximo post festum Sancti Michaelis anno regni Regis Edwardi tercii a conquestu viij<sup>o</sup>.

Frater Simon Fauconer, confrater Prioris Hospitalis Sancti Johannis Jerusalem in Anglia venit et protulit breve domini Regis patens coram Justiciariis hic in hec verba. Edwardus\* dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie omnibus ballivis et fidelibus suis ad quos presentes litere pervenerint salutem. Cum omnes et singuli domus et fratres Hospitalis Sancti Johannis Jerusalem, tam in Scocia quam in Wallia et in Anglia dicioni dilecti nobis in Christo fratris Leonardi de Tybertis Prioris Hospitalis predicti in Anglia sint subjecti et ipsum Priorem dispositioni eorundem vacare oporteat, per quod ipse variis negociis Hospitale predictum tangentibus prepeditus defensionis sue in diversis placitis ipsum et Hospitale predictum in Anglia contingentibus personaliter vacare non potest, prout sibi et eidem Hospitale expediret, volentes eidem Priori gratiam in hac parte facere specialem concessimus ei quod frater Robertus Cort et frater Simon Fauconer,

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chance to find them, within a liberty or without, and to keep them securely, so as to produce them to stand their trial at the next assizes when the Justices shall come into those parts.

Attornies received at Pickering before Richard de Willoughby, Robert de Hungerford, and John de Hambury, on Monday, 6th October, 1334.

Brother Simon Falconer, one of the brethren of the Prior of the Hospitallers in England, appears and produces the King's letters patent, in which, after reciting that the House and brethren of the Hospitallers in Scotland and Wales, as well as in England, were under the rule of the Prior Leonard de Tybertis, who ought to attend thereto, so that he, being prevented by several matters of business relating to the Hospital, cannot appear personally to defend the legal proceedings also relating to himself and the Hospital as he ought, the King, wishing to show especial favour to the Prior, granted leave to Robert Cort and Simon

\* See Rot. Pat. 7 Ed. III., pt. 2, m. 16, continued Rot. Pat. 10 Ed. III., pt. 2, m. 17, when Philip de Thame was Prior.

confrates ipsius Prioris, quos idem Prior attornavit coram nobis loco suo sub alternacione ad lucrandum vel perdendum in omnibus placitis et querelis motis vel movendis pro ipso Priore vel contra ipsum et ad libertates suas calumpniandas, persequendas et defendendas in quibuscumque Curiis Anglie, vel eorum alter quem presentem esse contigerit loco ipsius Prioris facere possint vel possit attornatos vel attornatum quos vel quem voluerint vel voluerit in quibuscumque Curiis Anglie ad omnia predicta placita et querelas persequenda et defendenda et ad lucrandum vel perdendum in eisdem, necnon ad libertates suas calumpniandas, persequendas et defendendas sicut predictum est. In cujus rei testimonium has literas nostras fieri fecimus patentes per biennium duraturas. T. me ipso apud Wyndesore xxvij die Octobus anno regni nostri septimo. Pretextu cujus brevis idem frater Simon ponit loco ipsius Prioris Thomam [? Bret] vel Walterum de Trusseby [? Trusseley] in omnibus placitis et querelis motis vel movendis pro predicto Priore vel contra ipsum, necnon ad libertates ejusdem Prioris calumpniandas, persequendas et defendendas durante itinere istius foreste.

Priorissa de Roscedale ponit loco suo Thomam Bret vel Laurencium de Neuton\* . . . .

Priorissa de Wykham ponit loco suo Thomam Bret † vel Laurencium de Neuton . . . .

[290b] Priorissa de Yetingham ponit loco suo Thomam Bret vel Laurencium de Neuton . . . .

Matildis Bruys ponit loco suo Robertum Bruys . . . .

Petronilla de Kynthorp ponit loco suo Edmundum de Hastynges juniorem . . . . et eciam ad serviendum pro ipsa in officio forestarii de feodo in foresta de Pikeryng.

Thomas de Pikeryng ponit loco suo Robertum Bruys . . . .

Falconer, whom he has appointed as his attornies, to appear alternatively before him in his place for gain or loss, in all pleas and complaints commenced or to be commenced on his behalf or against him, and to claim, prosecute, and defend his liberties in all Courts in England, or for either of them who may chance to be present to appoint any attorney or attornies, whom they will, in the place of the Prior to prosecute and defend for gain or loss, all the said pleas and complaints, and to claim, prosecute, and defend his liberties. The letters patent were to last two years, and were dated Windsor, 27th October, 1333.

[The appointment of attornies hardly needs translation.]

\* Except that occasionally the words *pro ipso vel contra ipsum* are inserted and occasionally omitted, the power of attorney follows the form first written.

† Rot. Pat. 6 Ed. III., pt. 3, m. 7, an exemption from sitting on juries was granted to Thomas Brette, of Brompton.

Rogerus de Midelton ponit loco suo Thomam Bret vel Robertum Playce . . . .

Radulphus de Bulmere ponit loco suo Thomam Bret vel Johannem filium Alani de Thorneton . . . .

Johannes de Melsa miles ponit loco suo Walterum de Trusseby . . . .

Willelmus Bruys ponit loco suo Robertum Bruys . . . .

Prior de Malton ponit loco suo Robertum Playce, Thomam de Marton vel Galfridum Russel . . . .

Prior de Ellerton ponit loco suo Robertum Playce, Thomam de Marton vel Galfridum Russel . . . .

Robertus Prior de Bridlington ponit loco suo Robertum Playce vel Galfridum Russel . . . .

Robertus\* de Aton ponit loco suo Robertum Playce vel Galfridum Russel . . . .

[291] Abbas beate Marie Eboracensis ponit loco suo Thomam Bret vel Robertum Playce . . . .

Abbas de Bella Landa ponit loco suo Walterum de Trusseby . . . .

Thomas Abbas de Whiteby ponit loco suo Thomam Bret vel Galfridum Russel . . . .

Walterus persona ecclesie de Middelton juxta Pikeryng ponit loco suo Robertum Bruys de Farmanby . . . .

Alicia que fuit uxor Johannis Gower ponit loco suo Galfridum Russel . . . .

Johannes de Shirbourn ponit loco suo Thomam Bret vel Robertum Playce . . . .

Ballivi et Communitas Burgi de Scardeburgh ponunt loco suo Thomam Bret vel Laurencium de Neuton . . . .

Johannes de Clifton ponit loco suo Walterum de Trusseby . . . .

Thomas Ughtred ponit loco suo Rogerum Longe vel Walterum de Trusseby . . . .

Prior de Drax ponit loco suo Thomam Bret vel Robertum Playce . . . .

Thomas de Bolleby ponit loco suo Nicholaum Gower . . . .

Willelmus Couper de Aslacby capellanus ponit loco suo Walterum de Trusseby . . . .

[291b] Thomas Wake dominus de Lydel ponit loco suo Thomam Bret vel Nicholaum de Repynghale . . . .

Decanus et Capitulum ecclesie beati Petri Eboracensis ponunt loco suo Johannem de Brauncroft . . . .

\* *Sic* in the Exchequer. The Coucher has a blank; more probably the name should be Gilbertus.

Placita clamiorum de libertatibus et quietanciis apud Pikeryng coram Ricardo de Wylughby, Roberto de Hungerford et Johanne de Hambury Justiciariis ad itinerandum ad placita foreste in foresta Henrici Comitis Lancastrie de Pikeryng assignatis die Lune proximo post festum Sancti Michaelis anno regni Regis Edwardi tercii a conquestu viij<sup>o</sup>.

Willelmus de Persay et Petronilla de Kynthorp clamant esse forestarii in feodo in foresta de Pikeryng, et habere escapium Haie de Blandeby per totum annum, et escapium de Dalby a Pascha usque festum Sancti Michaelis, et cablicium per totam ballivam suam in dominicis domini salvis estoveriis hominibus de Pikeryng et Neuton de dominicis domini ad manerium domini de Pikeryng spectantibus, excepto in Haia de Blandeby et dominicis de Weledale ; clamant etiam habere siccam buscam ad terram prostratam, salvis estoveriis hominibus de Pikeryng et Neuton ut supra ; clamant eciam firmam colligencium nuces in dominicis predictis, salvis estoveriis hominibus de Pikeryng ut supra, excepta Haia de Blandeby et dominicis de Weledale ; et clamant habere retallium et corticem et cooperones [? cooperciones] de quercubus datis seu ad opus domini captis, et clamant habere retropannagium in predictis dominicis, excepta Haia de Blandeby et Weledale, et de omnibus aliis arboribus eodem modo et non venditis. [292] Et predicta Petronilla in propria persona sua pro se ipsa dicit quod ipsa et omnes antecessores sui a tempore quo non extat memoria fuerunt forestarii in feodo in communi cum quodam Alano de Wrelton cujus statum idem Willelmus de Persay

Claims of liberties and quittances made at Pickering before Richard de Willoughby, Robert de Hungerford, and John de Hambury, on Monday, 6th October, 1334.

William de Percehay and Parnell de Kingthorpe claim to be foresters in fee in Pickering Forest, and to have escapes in Blansby Park throughout the whole year, and escapes in Dalby from Easter to Michaelmas, and browsewood, drywood and nutgeld throughout their whole bailiwick in the Earl's demesne, saving the estovers of the men of Pickering and Newton in such of the demesnes as belong to the manor of Pickering, except in Blansby Park and the demesne woods of Wheeldale ; and they claim to have the chips,\* bark, and tree-tops of oaks and other trees given or used by the Earl, but not sold ; and they claim afterpannage in the demesnes, except in Blansby Park and Wheeldale. And Parnell appears in her own person and says that she and all her ancestors from ancient time were foresters in fee in common with one Alan de

\* See Vol. II., N.S., p. 39, as to these words.



modo habet, et post predictum Alanum cum predicto Willelmo, reddendo inde et pro quadam terra quam ipsa in separali tenet, domino Comiti et heredibus suis qui pro tempore fuerint xx<sup>s</sup> per annum imperpetuum. Et ad firmam suam predictam faciendam a tempore quo non extat memoria habuerunt escapium Haie de Blandeby per totum annum et similiter escapium Lande de Dalleby a Pascha usque festum Sancti Michaelis, scilicet pro quocunque averio prima et secunda vice capto pro quolibet pede j<sup>d</sup>, warda tamen inde non facta; et similiter habuerunt caplicium per totam ballivam suam salvis estoveriis etc., et similiter siccam buscam ad terram prostratam salvis etc., necnon firmam colligencium nuces in dominicis predictis salvis estoveriis etc., necnon retropannagium, retallium, corticem et cooperones de quercubus datis seu ad opus domini captis et de omnibus aliis arboribus eodem modo et non venditis, et hoc parata est verificare prout Curia consideraverit.

Et similiter predictus Willelmus dicit quod ipse et similiter predictus Alanus cujus statum ipse modo habet et omnes antecessores ipsius Alani a tempore quo non extat memoria fuerunt forestarii in feodo et tenuerunt forestariam predictam in communi cum predicta Petronilla, reddendo inde et pro quadam terra quam tenet in separali, domino Comiti et heredibus suis qui pro tempore fuerint xx<sup>s</sup> per annum imperpetuum, et ad firmam suam predictam faciendam a tempore quo non extat memoria habuerunt escapium Haie de Blandeby per totum

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Wrelton, whose estate William de Percehay now holds, and after Alan with William, paying for it and a parcel of land which she holds in severalty the yearly rent of £1 to the Earl and his heirs for ever. To make the rent from ancient time they had the escapes in Blansby Park throughout the whole year, and in Dalby Laund from Easter to Michaelmas, that is to say for each animal taken the first or second time 1<sup>d</sup> a foot,\* so long as they have not been impounded by the King's forester;† and likewise they had browsewood throughout the whole of their bailiwick, saving the estovers, and likewise dry bushes felled to the ground in the same demesnes, also saving the estovers, furthermore, nutgeld, after-pannage, chips, bark and tops of oaks and all other trees given away or used by the Earl but not sold. She prays an inquiry. Likewise William says that he, and likewise Alan, whose estate he now has, and all Alan's ancestors from ancient time were foresters in fee and held the forest in common with Parnell, paying the same rent as she, and enjoying the same liberties. He also prays an inquiry

\* See Vol. II., N.S., p. 4.

† This is the same phrase which created the difficulty at page 47, *ante*. I only propound this as a conjecture of its meaning.

annum et similiter escapium Lande de Dalleby a Pascha usque festum Sancti Michaelis, scilicet pro quolibet averio prima et secunda vice capto pro quolibet pede j<sup>d</sup>, warda tamen inde non facta, et similiter habuerunt caplicium per totam ballivam suam salvis estoveriis etc., et similiter siccam buscam ad terram prostratam salvis estoveriis etc., necnon firmam colligencium nuces in dominicis predictis salvis estoveriis etc., necnon retropannagium, retallium, corticem et cooperones de quercubus datis seu ad opus domini captis, et de omnibus aliis arboribus eodem modo et non venditis, et hoc paratus est verificare prout Curia etc. Ideo inquiratur inde veritas per ministros ejusdem foreste. Qui scilicet viridarii, regardatores et agistatores dicunt super sacramentum suum quod eadem Petronilla et omnes antecessores sui a tempore quo non extat memoria cum predicto Alano de Wrelton dum vixit, fuerunt forestarii in feodo, et pro forestaria illa et quadam alia terra quam eadem Petronilla tenet in separali solverunt et solvet domino Comiti nunc xx<sup>s</sup> annuatim, et ad firmam suam faciendam habuerunt caplicium per totam ballivam suam in dominicis domini salvis estoveriis hominibus de Pikeryng et Neuton de dominicis domini ad manerium domini de Pikeryng spectantibus, excepto in Haia de Blandeby et dominicis de Weledale, et eciam siccam buscam ad terram prostratam salvis estoveriis hominibus predictis excepta Haia [292b] de Blandeby et dominicis predictis, et eciam firmam colligencium nuces in dominicis predictis salvis estoveriis hominibus predictis exceptis tantum Haia de Blandeby et dominicis de Weledale; et similiter habuerunt retropannagium in dominicis predictis exceptis Haia predicta et dominicis predictis. Et quoad escapium Haie de Blandeby dicunt quod ab antiquo antequam Haia predicta clausa fuit, quicumque forestarius seu wodewardus escapium in Haia predicta invenerit et ceperit, proficuum illius escapii habuit et percepit tanquam pro

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An inquiry is directed. The verderers, regarders, and agisters say, upon their oath, that Parnell and all her ancestors from ancient time were foresters in fee with Alan de Wrelton while he lived, and paid to the Earl for her office and a parcel of land which she holds in severalty the yearly rent of £1. To make their rent they had browse-wood throughout the whole bailiwick in the Earl's demesnes, saving the estovers of the men of Pickering and Newton in such of the demesnes as belonged to the manor of Pickering, except in Blansby Park and the demesnes of Wheeldale: and with the like exceptions had drywood, nutgeld and after-pannage in the demesnes. As to escapes in Blansby Park, they say that of old, before the Park was enclosed, whatever forester or woodward found an escape therein, and took his profit thereof, he took it as wages for preserving the pasturage of the Park for the deer: but

mercede sua custodiende pasture in Haia predicta pro feris istius foreste ; set postquam eadem Haia inclusa fuit, eadem Petronilla nec aliquis alius seu aliqui alii aliquod escapium inde habuerunt, licet ea ceperint, seu aliquod proficuum ejusdem nisi tantum dominus. Et quoad escapium Lande de Dalleby dicunt quod ab antiquo quicumque forestarius seu wodewardus aliquod escapium in eadem Landa invenisset proficuum illius escapii habuerunt, et postea ordinatus fuit ibidem forestarius per dominum capiendo vadia sua, ita quod a tempore illo quod est ante tempus memorie, omnia escapia in eadem landa inventa si forestarius domini ea primo ceperit, tunc presentata fuerunt in attachiamentis ejusdem foreste, et inde tunc dominus habuit proficuum. Et si predicti forestarii de feodo primo venerint et aliquod escapium ibidem ceperint proficuum sibimet ipsis ceperunt et habuerunt.

Et quoad clamium de retalliis, corticis [? cortice] et cooperonibus habendis de quercubus et aliis arboribus quibuscumque dicunt iidem ministri quod de omnibus quercubus per dominum prostratis ad opus suum proprium, dominus si voluerit habere potest tam retallium, corticem et cooperones quam maeremium, tamen de hujusmodi quercubus et aliis arboribus quibuscumque habent et habuerunt ab antiquo quicquid remissum fuerit quod dominus habere noluerit de cortice, cooperonibus seu retalliis post maheremium extractum, et de quercubus datis seu aliis arboribus quibuscumque iidem forestarii a tempore quo non extat memoria habuerunt retallium, corticem et cooperones et inde pro voluntate sua libitum fecerunt, set dominus non vendet alicui

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after the Park was enclosed, neither Parnell nor anyone else had any escape, even though taken by them, and no one derived any profit therefrom, except the Earl. As to escapes in Dalby Laund they say that of old, whatever forester or woodward found any escape there, he had the profit derived from it, but afterwards a forester was appointed at fixed wages [?], so that from that time, which is before the time of legal memory,\* if the Earl's forester was the first to take any escapes found in the Laund, they were presented at the Court of Attachments of the forest and the Earl had the profit thereof. And if the foresters of fee were the first to find and keep them they retained the profit to their own use. As to the claim to have the chips, bark and tops of all trees, the officers say that the Earl, if he please, can have the chips, barks, and tops as well as the timber of all oaks and other trees felled for his own use, yet the foresters in fee have and of old have had whatever was left and not required by the Earl of the bark, tops, and chips from all such oaks and other trees after the timber was drawn away. The foresters

\* Then the coronation of Henry III.

alii hujusmodi retallium, corticem nec cooperones. De quercubus autem et aliis arboribus quibuscumque per dominum venditis nichil habuerunt. Ideo quoad clamium habendi escapium Haie de Blandeby, retallium, corticem et cooperones de quercubus captis ad opus domini nichil capiat per clamium suum in hac parte, set sit in misericordia pro falso clamio suo; et quoad clamium habendi escapium Lande de Dalleby dictum est eidem Petronille quod expectet inde iudicium suum hic die Lune proximo post festum Sancti Gregorii Pape; et quoad clamium habendi caplicium et siccam buscam ad terram prostratam, firmam colligencium nuces et retropannagium consideratum est quod eadem Petronilla eat inde sine die, salvo semper jure etc.

Et quoad predictum Willelmum de Persay dicunt iidem ministri quod quidam Rogerus de Wrelton, pater predicti Alani cujus heres ipse est, qui tenuit forestariam predictam in communi cum predicta Petronilla pro firma xx<sup>s</sup> et pro alia terra quam tenuit in separali de antecessore ipsius Comitis [293] et ad firmam suam faciendam habuit prout continetur in veredicto de predicta Petronilla et inde obiit seisitus, predicto Alano de Wrelton filio suo infra etatem existente. Post cujus mortem Thomas Comes Lancastrie seisire fecit forestariam predictam quoad purpartem\* que fuit predicti Rogeri, quod

also had from ancient time the chips, barks, and tops from the oaks and other trees given away, and did what they pleased therewith, but the Earl will not sell to anyone else this sort of chips, bark, and tree tops. They never had anything of the oaks and other trees sold by the Earl. Therefore their claim fails as to the escapes in Blansby Park, and the chips, bark, and tree tops from the oaks used by the Earl.

Judgment on the claim to have escapes is postponed until Monday, 13 March, 1335. The claims to have browsewood, dry bushes felled to the ground, nutgeld and after-pannage is allowed. As to William de Percehay, the officers of the forest say that one Roger de Wrelton, of whom Alan was son and heir, held the office of forester in fee in common with Parnell at the same rent and enjoyed the same liberties as she. After his death Thomas Earl of Lancaster seized the office as to the purparty, which was Roger's. John de Bulmer perceiving this went to the Earl and gave him to understand that the purparty of Roger belonged to him and no one else by inheritance, so that the Earl in exchange for a house and a virgate of land which he gave to John de Bulmer, obtained a release of the purparty and retained it in his own hands.

\* This suggests an origin for the dual number of foresters --namely, that the office had descended to co-heiresses.

percipiens quidam Johannes de Bulmere accessit ad predictum Thomam Comitem dando ei intelligi purpartem illius forestarie jure hereditario sibi competere et non alicui alii, per quod idem dominus Thomas in escambio unius messuagii et unius virgate terre quam dedit eidem Johanni pro purparte sua ejusdem forestarie retinuit purpartem ejusdem forestarie in manu sua de predicto Johanne de Bulmere sibi et heredibus suis remissa[m] et relaxata[m]. Qui quidem Thomas postmodum purpartem ejusdem forestarie cum aliis pertinentiis suis pro bono servicio suo dedit cuidam Johanni de Monemwe tenendam tota vita sua, qui quidem Johannes virtute doni predicti purpartem predictam tenuit usque ad tempus quando castrum et Honor predicta devenerunt ad manum domini Comitis nunc jure hereditario, et postea idem Alanus accessit ad dictum Comitem pretendendo verificare viis et modis quibus oporteret se a predicta purparte forestarie predicte injuriose detineri per falsam suggestionem per predictum Johannem de Bulmere predicto domino Thome Comiti nuper factam, per quod idem dominus Comes nunc quesita inde veritate per omnes ballivos et ministros ejusdem foreste et postmodum facta inde renunciacione per predictum Johannem de Monemwe eidem Comiti de omni jure suo quod habuit in eadem de mandato ipsius Comitis, idem dominus Comes nunc retradidit eidem Alano purpartem forestarie predicte tenendam ut de jure suo proprio. Qui quidem Alanus inde seisitus et juribus predictis, inde postmodum feoffavit predictum Willelmum de Persay tenendis sibi et heredibus suis imperpetuum, virtute cujus feoffamenti predictus Willelmus fuit seisitus et est de illis proficuis tantummodo prout eadem Petronilla in purparte sua seisita est. Ideo consideratum est quod idem Willelmus eat inde sine die, salvo semper jure etc.

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Afterwards Earl Thomas gave the purparty of the forestership to John de Monmouth for his life, as a reward for his services, and the latter held it until the time when the castle and honor came by right of inheritance to the present Earl. Alan then went to the Earl alleging that he was prepared duly to prove that the office had been unjustly withheld from him in consequence of the false statements made by John de Bulmer. The Earl having made inquiry into the truth of the matter by his bailiffs and officers of the forest, and John de Monmouth having renounced to the Earl all his rights to the office, the Earl restored the purparty to Alan as his right: Alan being seised thereof enfeoffed William de Percehay and his heirs for ever, by virtue whereof he was seised of the profits derived therefrom to the same extent as Parnell in her purparty.

Therefore the claim of William is allowed saving the Earl's rights.

Et similiter quoad clamium habendi escapium Haie de Blandeby, retallium, corticem et cooperones de quercubus captis ad opus domini consideratum est quod idem Willelmus nichil capiat in hac parte, set sit in misericordia pro falso clamio suo. Et quoad clamium habendi escapium Lande in Dalby dictum est eidem Willelmo quod expectet inde iudicium suum hic predicto die Lune proximo post festum sancti Gregorii etc. Et super hoc predicta Petronilla ponit loco suo Edmundum de Hastynges tam in loquela predicta quam ad faciendum ea que officio forestarii pertinent durante itinere isto etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury justiciariis venerunt tam predictus Willelmus de Persay in propria persona sua quam predicta Petronilla per attornatum suum predictum, et datus est eis dies hic die Lune proximo post mensem Pasche ad audiendum inde iudicium suum etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis venerunt tam predictus Willelmus de Persay in propria persona sua quam predicta Petronilla per attornatum suum predictum, et super hoc datus est eis dies hic die Martis proximo post tres septimanas Sancti Michaelis de audiendo [293b] inde iudicium suum.

Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Shardelowe venerunt tam predictus Willelmus de Persay in propria persona sua quam predicta Petronilla per attornatum suum predictum et super hoc datus est eis dies hic die Jovis proximo post Octabas Purificacionis beate Marie de iudicio suo inde audiendo etc. Ad quem diem apud Pikeryng coram prefato Johanne de Hambury venit Ricardus de la Pole [Here follows the appointment of Richard de la Pole as a Justice in the same words as at page 71, the same omission again occurring] [294] et tam predictus Willelmus de Persay in propria persona sua quam predicta Petronilla per attornatum suum predictum venerunt, et datus est eis dies hic etc. die Mercurii proximo post festum

Likewise his claim of having escapes in Blansby Park, and the chips, bark and tops of oaks taken for the Earl's use is disallowed, and judgment as to the claim of having escapes in Dalby Laund is deferred until Monday, 13 March, 1335.

Moreover Parnell appoints Edmund de Hastings in her place, not only in this cause as also to do all that appertains to the office of forester during the Eyre. On the Monday, 13 March, 1335, William de Perchay, in person, and Parnell, by her attorney, appeared before Richard de Willoughby and John de Hambury and judgment was again postponed until Monday, 15 May, 1335, when it was again postponed until Tuesday, 31 October, 1335, and further postponed until Thursday, 15 February, 1336. Richard de la Pole was then appointed

Ascensionis Domini de iudicio suo in hac parte audiendo. [Again we have, as at page 73, a statement that the judges were absent and a new date was fixed] [294b] *Pretextu cuius brevis preceptum fuit vicecomiti Eboracensi quod resumoniri faciat predictos Willelmum de Persay et Petronillam quod sint coram prefatis Justiciariis, tribus vel duobus eorum apud Pikeryng die Lune proximo post festum Sancti Andree apostoli, ita quod placita et processus predicta tunc sint ibidem in eodem statu in quo fuerunt apud Pikeryng predicto die Jovis proximo post Octabas Purificacionis beate Marie anno regni domini Regis nunc decimo quando atterminata fuerunt usque diem Mercurii proximum post festum Ascensionis Domini proximum sequentem apud Pikeryng, ad quem diem placita et processus predicta remanserunt sine die per absentiam tam predictorum Johannis de Hambury et Ricardi de la Pole quam predictorum Ricardi de Wylughby et Roberti de Hungerford Justiciariorum etc. alibi de mandato domini Regis tunc existentium. Ad quem diem Lune proximum post festum Sancti Andree apostoli apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicti Petronilla per attornatum suum predictum et Willelmus de Persay in propria persona sua per breve domini Regis sub testimonio predicti Ricardi de Wylughby prout etc. resumoniti etc. et deinde datus est eis dies usque diem Lune in secunda septimana quadragesime de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicta Petronilla et Willelmus de Persay et deinde datus est eis dies usque diem Lune proximum post festum Sancti Mathei apostoli de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicti Petronilla et Willelmus et deinde datus est eis dies usque diem Lune proximum post festum Dominice in Ramis Palmarum apud Pikeryng de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram*

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a Justice, and judgment was postponed until Wednesday, 22 May, 1336. The Eyre having abated, but being revived by fresh writ, William de Persay and Parnell were summoned to appear on Monday, 2 December, 1336, when judgment was again postponed to Monday, 17 March, 1337, and afterwards to Monday, 22 September, 1337, and again to Monday, 31 March, 1338. Judgment at length was given that inasmuch as it appeared by the verdict of the officers of the forest that of old whatever forester or woodward found an escape in Dalby Laund, he kept the profit derived therefrom, so that afterwards the Lord of the Forest for the time being ordained that if the forester which he or his heirs appointed in the Laund found an escape there

prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicti Petronilla et Willelmus, et quia compertum est per veredictum ministrorum predictorum quoad escapium Lande de Dalby quod quicumque forestarius seu wodewardus ab antiquo qui aliquod escapium in eadem Landa invenerint, proficuum illius escapii habuerunt [*sic*], ita quod postmodum per dominum ejusdem foreste qui pro tempore fuerit ordinatum fuit quod si forestarius per ipsum dominum ejusdem foreste seu heredes suos in eadem Landa constitutus aliquod escapium invenerit priusquam forestarii feodi illud invenerant, hujusmodi escapia forent presentata ad attachiamenta foreste et dominus tunc habuit proficuum eorundem, et si forestarii de feodo primo invenerint hujusmodi escapia ipsi forestarii tunc ea habuerunt. Ita quod iidem Petronilla et Willelmus seu aliqui alii antecessorum suorum nunquam habuerunt [295] escapium Lande predictae modo quo clamant. Ideo consideratum est quod predicti Petronilla et Willelmus nichil capiunt in hac parte, set sint in misericordia pro falso clamio suo. Postea venerunt predicti Petronilla et Willelmus et pecierunt quod possint admitti ad finem faciendum cum domino pro clamio suo in hac parte emendando et de novo faciundo, et admittuntur per dimidiam marcam per plegium Henrici de Kelk et Radulphi de Morton.

Abbas de Rievall\* clamat in maneriis suis de Kykemarreys, Lound, Neuestede et Loftmarreys cum pertinenciis suis domos et bercarias edificare et terram in predictis maneriis pro voluntate sua in culturam redigere et exercere, et quod nullus minister foreste aut alius forestarius se quicquam in maneriis predictis intronmittat, excepta tantum de venacione, preter ipsum Abbatem et ministros suos: et similiter quod agistet pro voluntate sua in maneriis predictis.

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before the foresters of fee, it was presented at the Attachment Court and the lord derived the profit, and if the foresters of fee found it first they had the profit. So that William de Percehay and Parnell have failed to prove their claim, and it is disallowed. The latter afterwards appear and pray to be allowed to pay a composition for amending their claim and their prayer is granted. Fine 6<sup>s</sup> 8<sup>d</sup>. Sureties Henry de Kelk and Robert de Morton.

The Abbot of Rievaulx claims the right of building houses and sheepfolds and of bringing land into cultivation within the manors of Kekke Marishes, Lund, Newstead, and Loft Marishes; and that no forester or other officer of the forest, but only the Abbot and his officers, has any right to intermeddle therewith, except only with

\* There are two entries relating to this. The later one is exemplified in Rot. Pat. 43 Edw. III., pl. 1, m. 33. The differences are only slight. The extract from the Patent Roll is printed in the Sutes Society, Vol. 83, p. 415.



Et dicit quod dominus Henricus,\* filius Imperatricis, quondam Rex Anglie, progenitor domini Regis nunc, dedit et carta sua confirmavit Deo et Sancte Marie et ecclesie sue de Rievalle et monachis ibidem Deo servientibus pro anima gloriosi Regis Henrici, avi sui, et pro anima patris sui et matris sue et fratrum suorum in liberam, puram et perpetuam elemosinam totum vastum suum et totam pasturam subtus Pikeryng cum pertinenciis suis; in quo quidem vasto maneria predicta modo situata sunt, in pratis et pasturis, in aquis et piscariis et molendinis, et in omnibus aliis rebus per certas metas in eadem carta contentas; concessit eciam eis quod infra ipsas divisas domos et bercarias edificent et terram colant et exerceant per totum sicut eis placuerit, et prohibuit ne aliquis infra predictas metas cum averiis intrare vel turbam fodere vel in aliqua re se intromittere nullo modo presumeret sine voluntate et licencia eorum super forisfacturam suam. Unde dicit quod virtute carte predictae ipse et omnes Abbates loci predicti predecessores sui a tempore donacionis et confirmacionis [? carte] predictae seisiiti fuerunt ad domos et bercarias ibidem edificare et terram suam ibidem excolere et exercere pro voluntate sua; et virtute carte predictae ipse et similiter omnes Abbates loci predicti, predecessores etc., semper hucusque a tempore predicto usi sunt predicta libertate, quod nullus minister foreste de Pikeryng aut alius forestarius quicumque se quicquam in maneriis predictis intromittant, preter ipsum

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regard to game; and likewise claims the right of agisting. He pleads that Henry, son of the Empress Maud, granted in frankalmoign to the Church and monks of Rievaulx, for the souls of his grandfather Henry I., and of his father, mother and brothers, the whole waste and pasturage below Pickering, in which waste the said manors are now situated, together with the meadows, pastures, waters, fisheries and mills, according to the boundaries specified in the deed of gift. He also granted to them the right within these boundaries of building houses and sheepfolds and bringing land into cultivation at their pleasure, and he forbade any one entering there with beasts, or cutting turves, or intermeddling in any manner without license on penalty of forfeiture. Wherefore the Abbot claims that he and his predecessors have ever, from the date of the gift, been seised of the right of building houses and sheepfolds and bringing land into cultivation at their pleasure. Likewise, in virtue of this deed, he and his predecessors have always hitherto enjoyed this liberty, that no forester or other officer of the forest of Pickering, but only the Abbot and his officers, ever intermeddles with the manors except only with regard to game, when there happens to be found dead or caught any hart, hind, buck, doe or roedeer within

\* Henry II.

Abbatem et ministros suos excepto tantum de venacione, \*scilicet cum contigerit aliquem cervum, bissam, damum, damam vel capriolum in predicto vasto mortuum inveniri vel capi, quod extunc forestarii et ministri foreste predictae ibidem venient ad faciendum inde quod secundum assisam fuerit faciendum.\*

Et similiter dicit quod virtute carte predictae ubi dicitur quod hec omnia optineant in liberam elemosinam, bene et in pace, honorifice, integre et plenarie, sicut Rex Henricus, avus ipsius, ea tenuit in dominico suo die quo etc., libere et quiete de omni terreno servicio, et quod nullus infra metas predictas cum averiis suis intrare vel turbam fodere vel in aliquo se intromittere presumeret sine voluntate etc., qui quidem Rex Henricus, avus etc., tempore quo vastum predictum in suis metis extiterat, tanquam capitalis dominus in eodem marisco agistare poterit pro voluntate sua absque alicujus [295 b] calumpnia, cujus statum inde ipse ut dicitur habet, ipse et omnes Abbates loci predicti, predecesores etc., semper a tempore concessionis predictae etc., absque aliqua interruptione averia quecumque in maneriis predictis infra vastum predictum hucusque agistavit, prout viis et modis quibus Curia consideraverit paratus est verificare; petit juxta donacionem et concessionem predictas et similiter secundum quod ipse et predecesores sui usi fuerint in hac parte quod clamium suum ei in hac parte allocatur. Et quia videtur Justiciariis quod expediens est et necesse ad inquirendum per ministros istius foreste, si idem Abbas qui nunc est et similiter omnes Abbates loci predicti, predecesores Abbatis predicti,

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the waste, upon which the foresters and officers of the forest may enter to do what ought to be done according to the assize of the forest. Likewise he claims, in virtue of the words in the deed that say that they are to enjoy the rights in frankalmoign, well, peaceably, honestly, wholly and fully, as King Henry I. held them in demesne on his deathbed, free and quit of all lay service, and no one was to presume to enter within their boundaries with his beasts, or to cut turves, or to intermeddle in any manner without leave; and since King Henry I., as the chief lord, could agist at will within the marsh without adverse claim by any one, whose estate, as is aforesaid, the Abbot holds, the Abbot and his predecessors have always hitherto, from the date of the gift, agisted without interruption whatever cattle they please in the manors within the waste. All these claims he is ready to prove as the Court may adjudge, and he prays that his claims may be allowed in accordance with the gift and the manner in which the rights have been exercised. The Justices consider that an inquiry by the officers of the forest is necessary and expedient as to whether the Abbot and

\* The words between asterisks do not occur in the Patent Rolls.

semper a tempore confeccionis carte predicte libertatibus predictis usi fuerint necne, ideo inquiratur inde veritas per predictos ministros. Qui scilicet forestarii, viridarii et regardatores ejusdem foreste qui ad hoc jurati et onerati dicunt super sacramentum suum quod predictus Abbas qui nunc est et similiter omnes Abbates loci predicti, predecessores ipsius Abbatis, semper a tempore confeccionis carte predicte usi sunt hujusmodi libertate ac domos [et] bercarias edificare in maneriis suis predictis et terram suam ibidem exercere et in culturam redigere prout superius clamat absque alicujus calumpnia eis inde facienda. Et quoad hoc quod nullus minister foreste aut alius forestarius se quicquam in maneriis predictis intromittat, excepto tantum de venacione domini, preter ipsum Abbatem et ministros suos, dicunt iidem ministri quod omnes ministri foreste predicte tam forestarii quam alii a tempore quo non extat memoria, semper intromiserunt se in marisco predicto in quo maneria predicta modo situata sunt de omnibus que ad venacionem spectant tam de leporibus captis quam de canibus ipsius Abbatis quolibet tercio anno secundum assisam foreste expeditandis. Dicunt similiter iidem ministri quoad hoc quod idem Abbas clamat agistare in maneriis predictis pro voluntate sua, omnes Abbates predecessores Abbatis qui nunc est et similiter Abbas qui nunc est semper virtute carte predicte a tempore quo non extat memoria usi fuerunt agistare in maneriis predictis pro voluntate sua absque alicujus calumpnia usque jam xxvij annis elapsis quod Radulphus de Hastynges miles, nunc Custos castri et foreste predictorum, tempore suo et ante ipsum

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his predecessors have always, from the date of the deed of gift, enjoyed these liberties or not. An inquiry is directed. The foresters, verderers, and regardsers, sworn and charged, say upon their oaths, as to the first claim, that the Abbot and his predecessors have always, from the date of the deed of gift, enjoyed the liberty of building houses and sheepfolds and bringing land into cultivation within the said manors without any adverse claim made by any one, and as to no forester or other officer of the forest, but only the Abbot and his officers, intermeddling with the manors, except only with regard to game, they say that all the officers of the forest, as well foresters as others, have always from ancient time intermeddled with the marsh in which the manors are situated, with regard to all things that relate to hunting, as well the catching of hares as the lawing of the Abbot's dogs every third year according to the assize of the forest.

They likewise say, as to the Abbot's claim to agist at will in the said manors, that the Abbot and his predecessors, in virtue of the deed of gift, have from ancient time been wont to agist at will in the manors without adverse claim made by any one until twenty-eight

Radulphum quidam Johannes de Kilvyngton, nuper Custos castri et foreste predictorum tempore quo castrum et foresta predicta in manu domini E., quondam Regis Anglie, patris domini Regis nunc, post mortem Thome quondam Comitis Lancastrie, nuper fratris domini Comitis nunc, extiterant, et ante ipsum Johannem de Kilvyngton quidam Johannes de Dalton, tunc Custos castri et foreste predictorum, tempore dicti Thome nuper Comitis Lancastrie, tunc domini eorundem castri et foreste, temporibus suis dictum Abbatem qui nunc est de hujusmodi agistamento ibidem faciendo impediverunt. Dicunt tamen quod idem Abbas ad hoc non habito respectu in eisdem maneriis nichilominus semper et continue agistavit et proficuum agistamenti cepit, set de causa ignoravit [? ignorant]; requisiti eciam ministri predicti si idem Abbas seu alius Abbas, predecessor suus, aliquo alio tempore fuerint impediti, dicunt quod ignorant. Ideo [296] considerata est quod quoad domos et bercarias edificare et terram in maneriis predictis in culturam redigere prout superius clamat, quod idem Abbas et omnes successores sui ea imperpetuum habeant et gaudeant, et quoad residuum clamii sui datus est ei dies hic die Lune proximo post festum Sancti Gregorii Pape de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo et Johanne Justiciariis predictus Abbas solempniter vocatus non venit de iudicio suo audiendo prout etc., et super hoc venit quidam frater Willelmus Langeton\* et

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years ago [*i.e.*, about 1306] John de Dalton, keeper of the castle and forest in the time of Thomas Earl of Lancaster, and after him John de Kilvington, keeper whilst the castle and forest were in the hands of Edward II. after the death of Earl Thomas, and after him Sir Ralph de Hastings, the present keeper, obstructed the Abbot whilst making any such agistment. They say, nevertheless, that the Abbot not regarding this obstruction, continually agists and takes the profits of the agistment, but for what reason they know not. When asked whether the present Abbot and any predecessor of him was ever obstructed at any other time they say that they do not know. Judgment is given that the Abbot and his successors may enjoy for ever the right claimed of building houses and sheepfolds and bringing land into cultivation within the manors.

Judgment on the rest of the claim is adjourned until Monday, 13th March, 1335. On which day the Abbot is solemnly summoned to hear judgment at Pickering, before the Justices Richard de Willoughby and John de Hanbury, and does not appear, but upon this brother William de Langton appears, and says that he has been lately conse-

\* This clears up a doubt referred to in the Surtees Society, Vol. 83, Introduction, p. c.

dicit quod ipse est Abbas Rievallē de novo creatus, et predictus Abbas qui clāmia predicta in itinere isto posuit, post diem predictum sibi datum obiit, et petit quod ipse per hoc in hac parte non prejudicietur.\* Et super hoc inquisita inde veritate per forestarios, viridarios et regardatores ejusdem foreste compertum est per eosdem quod predictus Abbas ut predictum est obiit, ideo nichil ulterius de eo etc., et predictus Abbas qui nunc est, statim posuit clāmia sua hic in Curia ut patet alibi.

Robertus Lambsonē clamāt esse quietus de pannagio porcorum suorum in Foulwode, Haibourn, Dernclif et Parva Clif infra limites foreste tempore pannagii per annum, et dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria racione terrarum et tenementorum suorum que habet in Brunston, que sunt francum feodum, quieti fuerunt de pannagio tempore pannagii ut pertinenti ad terras et tenementa sua predicta, et hoc paratus est verificare prout Curia etc.

Ideo inquiratur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod idem Robertus et omnes antecessores sui a tempore quo non extat memoria racione terrarum et tenementorum suorum predictorum quieti fuerunt de pannagio porcorum suorum tempore pannagii tanquam pertinenti ad tenementa sua predicta. Ideo consideratum est quod idem Robertus quietus sit de pannagio predicto, salvo semper jure etc.

crated Abbot of Rievaulx, and that the Abbot who made the claims in the eyre has died since the time when he was directed to appear on this day. He prays that he may not suffer any prejudice in consequence of this. Inquiry being made as to the truth of this by the foresters, verderers, and regarders the Abbot is found to have died, as had been stated, and proceedings against him are stayed. The present Abbot immediately made his claim in Court, as appears elsewhere. †

Robert Lambson claims to be quit of pannage for his pigs in Fulwood, Hayburn, Derncliff, and Little Cliff, within the forest, during the mast season, and he pleads that, by virtue of the lands of frank fee tenure which he holds in Burniston, he and his ancestors have been from ancient time quit of pannage during the mast season. This he is ready to prove.

Inquiry is directed, and it is found that Robert and his ancestors have, by reason of their tenure of the said lands, and as appurtenant to the same, from ancient time been quit of pannage during the mast

\* *i.e.*—That the claims may not abate in consequence of the Abbot's death.

† *i.e.*, at p. 133. post.

Priorissa de Wycham clamat pro se et tenentibus suis in Wycham et Roston habere et capere housebote et haibote in boscis de Northcahevedes et Berlagh secundum assisam foreste, et in eisdem boscis habere comunam ad omnimoda animalia, exceptis capris, pro se et tenentibus suis de Wycham et Roston in moris et vastis adjacentibus, videlicet, de Erllessyk versus boriā, et similiter clamat in boscis suis de Wycham et Roston habere et capere housebote et haibote pro se et tenentibus suis de Wycham et Roston secundum assisam foreste, et eciā in eisdem boscis habere wodewardum secundum assisam foreste, et dicit quod ipsa et omnes antecessores, loci predicti predecessores etc. [? Priorisse], a tempore quo non extat memoria tanquam pertinencia ad terras et tenementa que tenent in predictis villatis de Wycham et Roston habere consueverunt et capere housebote et haibote in predictis boscis de Northcahevedes et Berlagh secundum assisam foreste, et similiter habere comunam ad omnimoda animalia sua, exceptis capris etc., pro se et tenentibus suis in predictis moris et vastis [296b] adjacentibus, videlicet de Erllessyk versus boriā, et quod ipsa racione terrarum et tenementorum suorum que tenet in predictis villatis de Wicham et Roston habere et capere debet housebote et haibote pro se et tenentibus suis in boscis suis, videlicet de Wycham et Roston, secundum assisam

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season. Judgment is given that he be quit of pannage, without prejudice, etc.

The Prioress of Wykeham claims for herself and her tenants in Wykeham and Ruston to receive and take housebote and hedgebote in the woods of North Cave heads and Barley,\* according to the assize of the forest, and common of pasture for all animals except goats in the same woods and the wastes and moors adjoining, that is to say, northwards from Yarlesike, and she likewise claims for herself and her tenants of Wykeham and Ruston the right of taking housebote and hedgebote in her woods of Wykeham and Ruston, according to the assize of the forest, and also the right of having a woodward in the same woods. She pleads that she and all former Prioresses have always from ancient time had, as appurtenant to the lands which she holds in the townships of Wykeham and Ruston, the rights of taking housebote and hedgebote in the woods of North Cave heads and Barley, according to the assize of the forest, and of common of pasture for all animals except goats in the same woods and the wastes and moors adjoining, that is to say, northwards from Yarlesike, and by reason of her tenure of lands in Wykeham and Ruston she ought to have and receive for herself and her tenants housebote and hedgebote in her woods of Wykeham and Ruston, according to the assize of the

\* ? Barley Carr, N. of Hipperley Beck.

foreste, et habere in eisdem boscis wodewardum suum secundum assisam foreste, unde dicit quod ipsa et omnes Priorisse loci predicti, predecessores sui, a tempore quo non extat memoria semper use sunt libertatibus predictis absque aliqua interrupcione, et hoc parata est verificare per ministros foreste prout Curia consideraverit etc., et petit quod clamia sua predicta ei allocentur. Et quia videtur Justiciariis quod expediens est et necesse ad inquirendum qualiter Priorissa predicta et predecessores sue super possessione libertatum use sunt, priusquam ad allocacionem earum procedatur, inquiretur inde veritas per ministros foreste. Qui super hoc jurati et onerati dicunt super sacramentum suum quod predicta Priorissa et predecessores sue unquam [? nunquam] in aliquo tempore pro se et tenentibus suis habuerunt seu ceperunt housebote et haibote in predictis boscis de Northcahevedes et Berlagh prout superius clamat, set dicunt quod predicta Priorissa et tenentes sui habent communam pasture ad omnimoda animalia sua, exceptis capris, pro se et tenentibus suis de Wycham et Roston in predictis boscis de Northcahevedes et Berlagh et in omnibus moris et boscis adjacentibus, videlicet a loco qui dicitur le Erlesyk versus boriham, et omnes Priorisse loci predicti, predecessores sue, et tenentes sui predicti a tempore quo non extat memoria semper et sine interrupcione eadem communa prout in clamio suo continetur use sunt et gavise. Dicunt eciam quod eadem Priorissa et predecessores sue de certis [? ceteris] libertatibus in clamiis suis contentis a tempore quo non extat memoria semper et sine interrupcione use sunt et gavise

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forest, and to have a woodward, according to the assize of the forest. She is ready to prove that she and her predecessors have exercised these rights from ancient time without interruption, and prays that her claims may be allowed. The Justices consider that before allowing her claims an inquiry should be made as to how the Prioress and her predecessors have exercised their rights. An inquiry is therefore directed, and it is found that the Prioress and her predecessors never at any time had or received for themselves and their tenants housebote and hedgebote, as she claims above, in the woods of North Cave heads and Barley, but that she has for herself and her tenants of Wykeham and Ruston common of pasture for all animals except goats in the same woods, and the moors and woods adjoining, northwards from Yarlesike, and all former Prioresses of that place and their said tenants have used and enjoyed the same right of common so claimed from ancient time without interruption.

Further, that the Prioress and her predecessors have ever from ancient time used and enjoyed without interruption the rest of the

\**tanquam pertinentibus ad liberum tenementum suum in eisdem villis. Ideo consideratum est quod quoad clamium suum habendi housebote in predictis boscis de Northcahevedes et Berlagh nichil capiat in hac parte, set sit in misericordia pro falso clamio suo ; et quoad communam pasture in predictis boscis de Northcahevedes et Berlagh et in omnibus moris et vastis de Erlesyk versus boriā pro se et tenentibus suis de Wyham et Roston, et eciam quoad residuum libertatum superius contentarum in dicto clamio etc., habeat et retineat sibi et successoribus suis imperpetuum, salvo semper jure etc.*

Gilbertus de Aton† clamat tenere boscum suum de Troucedale pertinentem ad manerium suum de Brumpton extra regardum foreste, videlicet illum boscum qui est ex parte boreali de Troucedale per certas divisas a loco qui dicitur Braythwayt versus occidentem et sic inde in longum per rivulum de Troucedale sicut idem rivulus currit versus orientem usque ad quendam sikettum qui cadit in eundem rivulum descendendo a quodam fonte qui dicitur Apiltrekeld, et inde per predictum sikettum ascendendo usque ad eundem fontem, et a predicto fonte qui dicitur Apiltrekeld ascendendo per quendam obliquam semitam usque ad locum qui dicitur Hevedegatebrowe et inde per cilium bosci [297] ascendendo adhuc in obliquo versus orientem in parte usque ad quendam locum qui dicitur le Birk et sic de eodem loco ascendendo per quendam semitam que tendit usque ad orientalem finem fossati de Blakhous, et inde per dictum fossatum sicut tendit

rights so claimed as appurtenant to their free tenement in the same townships.

Judgment is given that the Prioress take nothing by her claim of having housebote in the woods of North Cave heads and Barley, but be amerced for making a false claim. All the residue of her claims are allowed.

Gilbert de Ayton claims to hold his wood to the north of Troutsdale appurtenant to his manor of Brompton, as outside the regard, namely, from Braithwaite on the west, down Troutsdale beck towards the east to its junction with a rill flowing from a spring called Appletreekeld, up the rill to the spring, from the spring uphill along a slanting path to Headgate brow, thence along the brow of the wood, still uphill, obliquely towards the east to a place called the Birk, thence uphill by a path which leads to the east end of Blackhouse dike, thence along the dike from east to west to a path lying to the south of Brown

\* In the Duchy Coucher, though not in the Exchequer, these words precede *tanquam, Dicunt eciam quod eadem Priorissa.* Above them is written in another hand *va-cat.*

† This claim is exemplified in Rot. Pat. 36 Ed. III., pt. 2, m. 38.



directe ab oriente in locum versus occidentem usque ad semitam quendam jacentem ex parte australi de Brounhowes, et sic inde per eandem semitam descendendo, sicut dicit, usque ad cilium de Goderikgill, et inde per sikettum descendendo per medium de Goderikgill usque ad Braythwayt ubi idem torrens cadit in Troucedalebek; et fugare ad lepores et vulpes, catos et tessones in Brumpton, scilicet infra les Acredikes, et habere capras suas depascentes in moris suis et boscis de Howetonboscel, infra coopertum et extra, omnibus anni temporibus, et clamat eradicare brueram et feugeram in mora et bosco de Howeton, et eciam fodere turbas in eadem mora et eas pro libito suo vendere et dare et cariare extra forestam et infra, et clamat agistare in Howeton et proficuum agistamenti inde percipere pro libito suo, et clamat habere wodewardum in bosco suo proprio infra forestam predictam, videlicet in Brumpton, et clamat habere wodewardum in bosco suo proprio infra forestam predictam, videlicet in Howeton. Et dicit quod quoad tenere boscum suum in Troucedale extra regardum per divisas predictas et fugare ad lepores, catos et tessones in Brumpton, scilicet infra les Acredikes, ipse et omnes antecessores sui tenentes manerii de Brumpton semper a tempore quo non extat memoria usi sunt tenendo boscum predictum etc., per divisas predictas extra regardum etc., et similiter fugare ad lepores, vulpes, catos et tessones in Brumpton infra les Acredikes. Et quoad habere capras suas depascentes etc., et eradicare brueram et fugeram et turbas fodere etc., et similiter agistare etc., dicit quod dominus Rex H. secundus, quondam

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Hows, thence along that path downhill to the brow of Goodrickegill, thence down the rill through the gill to Braithwaite where it falls into Troutsdale beck.

He also claims the right to hunt hare, fox, wild cat and badger within the Acredikes of Brompton, and to pasture goats in the moors and woods of Hutton Bushel, within the covert and without, at all times of the year. Further he claims the right of uprooting heather and bracken in the moor and wood of Hutton Bushel, digging turves there, and at pleasure selling, giving and carrying them away, within the forest and without. He claims the right to agist in Hutton Bushel and to keep the profit derived therefrom for himself; he claims a woodward in each of his own woods of Brompton and Hutton Bushel.

He pleads that he and his ancestors holding the manor of Brompton have ever from ancient time been accustomed to hold the wood of Troutsdale between the boundaries above set out, outside the regard, and to hunt hare, fox, wild cat, and badger within the Acredikes.

Rex Anglie, progenitor domini Regis nunc, dedit et concessit per cartam suam cuidam Reginaldo Belet, antecessori ipsius Gilberti, cujus statum ipse modo habet, per centum et decem solidos per annum undecim carucate [*sic*] terre et unam bovatom in Aton et Prestona et tresdecim bovatas terre in Ebreston, que modo sunt maneria de Howeton et Aton, et precepit ut bene, honorifice et libere teneret cum socha etc., et cum omnibus consuetudinibus suis sicut ipse melius tenebat dum fuerunt in manu sua ; virtute cujus carte idem Reginaldus seisitus fuit de hujusmodi proficuis in clamiis suis contentis. Et ipse similiter et omnes antecessores sui post predictum Reginaldum tenentes maneria predicta semper et continue virtute carte predicte de eisdem seisiti fuerunt et adhuc est, et hoc paratus est verificare per ministros foreste prout Curia etc. in bosco suo etc. Et quoad habere wodewardum etc. in bosco apud Aton, et habere wodewardum etc. in bosco suo apud Brumpton et similiter wodewardum in bosco suo apud Howeton dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria usi sunt habere wodewardos in boscis suis predictis, et hoc paratus est verificare prout Curia etc., et petit quod clamia sua predicta ei in hac parte allocentur. Et quia videtur Justiciariis quod expediens [297b] est et necesse per ministros foreste inquirere qualiter idem Gilbertus et antecessores sui libertatibus illis in clamiis suis contentis usi sunt et gavisii, ideo inquiretur inde veritas per eosdem. Qui jurati et onerati dicunt super sacramentum suum quod idem Gilbertus et omnes antecessores sui semper a tempore quo non extat

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He pleads further, that Henry II. granted by deed to one Reginald Belet, his ancestor, whose estate he now holds, for the yearly sum of £5 10<sup>s</sup>, eleven carucates of land and one oxgang in Ayton and Preston, and thirteen oxgangs in Ebberston, which now comprise the manors of Hutton Bushel and Ayton, to be held freely with full jurisdiction and with all customs as the King held it when it was in his hands. By virtue of which deed Reginald was seised of the rights already claimed of pasturing goats, uprooting heather and bracken, digging turves and agisting, and in like manner he and all his ancestors after Reginald holding the same manor, have been seised of the same rights by virtue of the grant. This he is ready to prove. He is also ready to prove that he and his ancestors have ever from ancient time had the two woodwards. He prays that his claims may be allowed.

As the Justices consider that it is expedient that an inquiry be made by the officers of the forest how Gilbert and his ancestors have enjoyed the rights so claimed, an inquiry is directed. It is found that Gilbert and his ancestors ever from ancient time held Troutsdale Wood appurtenant to the manor of Brompton as out-

memoria tenerunt boscum de Troucedale pertinentem ad manerium suum de Brumpton extra regardum foreste, videlicet illum boscum qui est ex parte boriali de Troucedale qui dicitur Braithwayt versus occidentem in longum per rivulum de Troucedale sicut idem rivulus currit versus orientem usque ad quendam sikettum qui cadit in eundum rivulum descendendo a quodam fonte qui dicitur Apiltrekeld, et inde per sikettum predictum ascendendo usque ad fontem predictum, et a predicto fonte ascendendo directe usque Blachousenese, et deinde transcendendo cilium usque ad quendam lapidem ex opposito le Birk inter le Birk et Blachousenese, et deinde per quendam semitam rectam usque ad orientalem partem de Blachousdyk, et deinde per predictum fossatum sicut tendit directe ab oriente in locum occidentem versus usque ad quendam semitam jacentem ex parte australi de Brounhowes, et sic inde per eandem semitam descendendo sicut ducit ad cilium de Goderikgill, et inde per sikettum descendendo per medium de Goderikgill usque ad Braithwayt ubi idem torrens cadit in Troucedalebek, et non a predicto fonte de Apiltrekeld per quendam obliquam semitam usque ad locum qui dicitur Hevedgatebrowe et inde per cilium bosci ascendendo adhuc in obliquo versus orientem usque ad quendam locum qui dicitur le Birk, et de eodem ascendendo per semitam que tendit usque ad orientem finem fossati de Blachous, sicut idem Gilbertus superius clamat. Dicunt eciam iidem ministri quod idem Gilbertus et omnes antecessores sui a tempore quo non extat memoria fugarunt ad lepores, vulpes, catos et tessones in Brumpton,

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side the regard, namely, that part to the north beginning at Braithwaite on the west, down Troutdale beck to the east as far as its junction with the rill that flows from the spring called Appletreekeld, thence up the rill to the spring, thence straight up to Blackhouse\* ness, thence crossing the brow to a stone opposite the Birk between the Birk and Blackhouse ness, thence by a direct path to the east end of Blackhouse dike, thence along the dike as it goes from east to west to a path that lies to the south of Brown Howes, descending by this path to the brow of Goodricke gill, and by the rill that passes through the gill to Braithwaite where the rill joins the Troutdale beck, but not from the spring called Appletreekeld uphill along a slanting path to Headgate brow, thence along the brow of the wood still uphill obliquely towards the east to a place called the Birk, thence uphill by a path which leads to the east end of Blackhouse dike, as Gilbert claims above. The officers also say that Gilbert and all his ancestors from ancient time have hunted hare, fox, wild cat and badger within the Acredikes in Brompton, as he claims above. They also from ancient time by

\* ? Blackleys. I cannot quite follow these boundaries.

scilicet infra les Acredikes, prout superius clamat. Dicunt eciam quod idem Gilbertus et omnes antecessores sui a tempore quo non extat memoria virtute carte predicte habuerunt capras suas depascentes in moris et boscis de Hotonbussel, infra coopertum et extra, omni tempore anni, et similiter eradigarunt brueram et fugeram in mora et bosco de Hoton, et eciam turbas foderunt et eas pro voluntate sua dederunt, vendiderunt et cariarunt infra forestam et extra, et similiter agistarunt in Hotonker solummodo et [? non] alibi in eadem villa, et proficuum agistamenti illius ceperunt, et habuerunt wodewardos suos in Aton, Brumpton et Hoton in boscis suis propriis infra forestam prout superius clamat. Ideo consideratum est quod idem Gilbertus quoad hoc quod clamat tenere boscum suum predictum in Troucedale extra regardum foreste in parte ejusdem bosci a predicto fonte de Apiltrekeld per quandam obliquam semitam usque ad locum qui dicitur Hevedgatebrowe, et inde per cilium bosci ascendendo adhuc in obliquo versus orientem usque ad locum qui dicitur le Birk, et de eodem loco ascendendo per semitam qui tendit ad orientem [298] finem fossati de Blachous, et similiter quoad agistamentum habendum in predicta villa de Hoton alibi quam tantummodo in Hotonker nichil capiat per clamium suum predictum, set sit in misericordia pro falso clamio suo. Et quoad residuum clamiorum suorum predictorum ea habeat et gaudeat salvo semper jure etc.

Prior de Malton\* clamat quod ipse et omnes homines sui sint quieti de

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virtue of the grant, had goats pasturing in the moors and woods of Hutton Bushel, within the covert and without, at every season of the year, and likewise uprooted heather and bracken in the moor and wood of Hutton, dug turves therein, and at their pleasure gave, sold, and carried them away within the forest and without, and likewise agisted in Hutton Carr only, and not elsewhere in the township, and received the profit of agistment, and had woodwards in their own woods of Ayton, Brompton, and Hutton Bushel as he claims above. Judgment is given that Gilbert takes nothing by his claim of having quit of regard that part of his wood at Troutsdale from the spring of Apple-treekeld uphill along a slanting path to Headgate brow, thence along the brow of the wood still uphill obliquely towards the east to a place called the Birk, thence uphill by a path which leads to the east end of Blackhouse dike, or as to his claim of having agistment elsewhere in the township of Hutton than in Hutton Carr, but is to be amerced for making a false claim. He is to enjoy the rest of his claims for ever, without prejudice etc.

The Prior of Malton claims that he and his men are quit of amerce-

\* Claudius D. XI., at the British Museum is the Register of Malton Priory. It

misericordia foreste, et quod ipse et homines sui sint quieti de escapiis, et quod ipse et homines sui sint quieti de omnibus geldis, et quod ipse et homines sui sint quieti de fotgeldis, et quod ipse et homines sui sint quieti de bukstallis, tristis,\* carreio et summagio. Et similiter clamat habere housebote et haibote in boscis de Kynthorp, et similiter clamat habere housebote et haibote in boscis de Neuton, et similiter habere housebote et haibote in boscis de Lokton, et similiter habere housebote et haibote in boscis de Edbreston, secundum assisam foreste; et dicit quod dominus H., quondam Rex Anglie,† progenitor domini Regis nunc, per cartam suam suscepit in manum suam propriam custodiam, proteccionem et defensionem domum in Semprengam‡ et omnes domos ejusdem ordinis, videlicet de Chiksand et de Malton et alias, etc.; et dicit§ quod tam ipsi quam eorum homines quieti essent de misericordia foreste, de escapiis, de omnibus geldis, fotgeldis, bukstallis, tristis, carreio et summagio predictis, unde dicit quod virtute carte predictae ipse et homines sui et similiter omnes Priores loci predicti, predecessores sui, et homines sui a tempore confeccionis ejusdem carte sine interrupcione de premissis fuerunt quieti in foresta predicta et hoc paratus est verificare per ministros foreste et petit quod clamium suum ei in hac parte allocetur. Et quia non liquet Curie manifeste cujusmodi quietancias ratione vocabulorum predictorum idem Prior pro se et hominibus suis intendit habere, dictum est eidem Prior quod eadem vocabula declaret etc.

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ments of the forest, escapes, all manner of gelds, footgelds, buckstalls, trists, payments for passage of carts or pack-saddles. He likewise claims housebote and hedgebote in the woods of Kingthorpe, Newton, Lockton and Eberston, according to the assize of the forest. He pleads that Henry III. granted by deed protection to the House of Sempringham and all houses of the same order, namely, Chicksand, Malton and others. By virtue of which deed he is ready to prove that he and all former Priors and their men have ever been quit of the burdens before mentioned without interruption since the date of the deed, and he prays that his claim may be allowed. As it is not clear to the Court what manner of quittance the Prior claims by these words for

was compiled in the year 1257, but in a later hand we find this claim entered at fol. 126. As the entry is probably contemporaneous with the Eyre, I have called attention to the points of difference. The date is given as 1336, and the Prior's name is William, but at fol. 125, *see p. 161 post*, he is spoken of as John.

\* Claudius D. XI. has *tristris*.

† The deed will be printed in a later volume.

‡ A house of Gilbertine canons in Lincolnshire, of which Malton and Ellerton were off hoots. Claudius D. XI. has here *de Sempringham*.

§ Claudius D. XI. has *precepit*.

Et Prior dicit quod quoad clamium suum quod ipse et homines sui sint quieti de misericordia foreste ipsi per hoc hucusque extiterunt quieti de omni misericordia in qua aliquo modo in foresta predicta ipse et homines sui incidere possunt, et quoad hoc quod ipse et homines sui sint quieti de escapio dicit quod secundum assisam foreste si averia alicujus in landis vetitis vel tempore vetito in eadem inveniantur, prima vice vel\* quolibet pede averiorum illorum ipsi quorum fuerint merciantur ad unum denarium, et si secundo ibidem inveniantur similiter pro quolibet pede unum denarium, et si tercio ibidem inveniantur averia illa remaneant domino forisfacta, de quibus amerciamenti et forisfacturis per hujusmodi vocabulum de escapio extiterunt quieti. [Et quoad hoc quod ipse et homines sui sint quieti de omnibus geldis dicit quod ipsi per hoc extiterunt quieti]† de omni putura forestariorum et omni prestacione facienda ad collectam garbarum, agnorum et lane ad opus forestariorum ejusdem foreste. Et quoad hoc quod clamant esse quieti de fotgeldis, dicit quod omnes canes hominum manencium infra limites ejusdem foreste debent expeditari secundum assisam ejusdem foreste, vel si non fuerint expeditati graviter amerciantur, vel pro ipsis non expeditatis finem faciant: ipse et homines sui per hoc de hujusmodi amerciamenti et finibus semper ex causa predicta, necnon et expeditacione eorundem quieti permanserunt. Et quoad hoc [298b] vocabulum quod dicitur tristis‡ dicit quod ubi alii homines manentes in eadem foresta tempore quo dominus

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himself and his men, he is called upon to explain their meaning. He says that by being quit of amercements of the forest he and his men have ever been quit of every amercement which could in any manner fall upon him or his men in the forest. As to escapes, he says that according to the assize of the forest, if any man's cattle are found in forbidden lands or at a forbidden season, the first time the owners are fined 1<sup>d</sup> a foot, the second time likewise 1<sup>d</sup> a foot, the third time the cattle are forfeited to the lord of which also they are quit. They are also quit of all gelds, that is to say of the foresters' puture, and of contributing to collections of sheaves, lambs, and wool for the use of the foresters. They are also quit of footgeld, whilst the dogs of all other residents within the limits of the forest ought to be lawed according to the assize of the forest, or if not lawed their owners are heavily fined or compound. They are also quit of trists, whilst all other residents in the forest when the lord hunts therein ought to hold grey-

\* Claudius D. XI. has *pro*.

† The words in square brackets are omitted, and have been supplied from Claudius D. XI.

‡ See Ducange, *sub voce*, "Mon. Angl.," Vol. II., p. 827.

jaciauerit [? chaciauerit], venire debent in eadem ad tenendos leporeos certis locis eis assignatis pro feris ibidem expectandis et capiendis ; et similiter quoad hoc vocabulum quod dicitur bukstallis dicit quod ubi iidem homines tenentur ibidem convenire ad stabulariam\* faciendam circa easdem feras et ad easdem congregandas, quod si non fecerint amercentur vel pro eodem finem faciant, ipse et homines sui virtute carte predictae semper a tempore confeccionis ejusdem de hujusmodi consuetudinibus, necnon finibus et amerciammentis in foresta ista quieti extiterunt. Et quoad vocabulum carreio† scilicet cum aliquo carre vel carecte carcate transeuntes per forestam et similiter summagia equorum consueti sunt solvere secundum majus vel minus ministris ejusdem pro chimino ibidem habendo, ipse et homines sui, licet eorum carre, carecte vel summagia per eandem forestam transierint de hujusmodi prestacione pro chimino suo habendo semper a tempore confeccionis carte predictae quieti extiterunt. Dicit etiam Prior quoad housebote et haibote in boscis predictis secundum assisam foreste habenda ipse et omnes Priores loci predicti a tempore quo non extat memoria habuerunt housebote et haibote in predictis boscis, scilicet in boscis de Edbreston tanquam pertinencia ad liberum tenementum suum in eadem villa, et in boscis de Neuton tanquam pertinencia ad liberum tenementum suum in eadem villa, et in boscis de Lokton tanquam pertinencia ad liberum tenementum suum in eadem villa, et in boscis de Kynthorp tanquam pertinencia ad liberum tenementum suum in eadem villa secundum assisam foreste ; et hoc paratus est verificare per ministros foreste vel aliter prout Curia etc., et petit quod clamia sua predicta in hac parte allocentur. Et quia videtur Justiciariis quod

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hounds at fixed stations to wait for and take the deer. They are also quit of buckstalls, whilst the other residents ought to assemble for the purpose of collecting the deer into an inclosure which they have to make for that purpose, or if they fail to do so are heavily fined or compound. Also whenever any carts or waggons pass loaded through the forest, or horses with packs on their backs, the owners thereof are wont to pay the officers of the forest a greater or less sum for their right of passage, but they have ever, by virtue of the deed, been quit of making any payment in respect thereof.

The Prior is also ready to prove that from ancient time he and his predecessors have enjoyed as appurtenant to their free tenements in the townships of Ebberston, Newton, Lockton, and Kingthorpe, housebote and hedgebote in the woods of the same townships. He prays that his

\* Gender doubtful. Claudius D. XI. has *stableiam*.

† In Ducange referred to as *Carno*, the reference to the Exchequer Coucher, *i.e.*, fol. 168, being given. Compare with *cheminage*, Vol. I., N.S., p. 20.

expediens est et necesse quod Curia cercioretur super possessione ipsius Prioris in hac parte, inquiratur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod quoad hoc quod\* idem Prior vel homines sui ceperint aliquod boscum vel subboscum in eadem foresta extra † assisam ejusdem, ipse et homines sui semper amerciati hucusque fuerunt et adhuc sunt, velut alii homines ejusdem foreste. Dicunt tamen quod ipse et homines sui et similiter predecessores sui et eorum homines semper a tempore confeccionis carte predictae quieti fuerunt de vigiliis faciendis corporum ferarum mortuorum, et dicunt quoad hoc quod ipse et homines sui sint quieti de escapis, geldis, fotegeldis, bukstallis et tristis quod nec Prior qui nunc est nec homines sui nec aliquis predecessorum suorum seu eorum homines unquam virtute carte predictae inde disportati fuerunt seu quieti. Et dicunt quod quoad carreium et summagium ipse Prior et homines sui et omnes predecessores sui et eorum homines inde virtute carte predictae extiterunt quieti. Dicunt eciam iidem ministri quod quoad housebote et haibote quos clamat habere in boscis predictis, idem Prior et omnes predecessores loci predicti semper a tempore quo non extat memoria usi sunt habendi housebote et haibote in boscis predictis tanquam pertinentes ad liberum tenementum suum quod tenet in eisdem villis prout superius declaravit. Ideo [299] consideratum

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claims may be allowed. As it appears expedient to the Justices that the Court should be informed as to Prior's possession, an inquiry is directed and it is found that the Prior and his men have always been and still are fined whenever they took any wood or underwood in the forest beyond the assize, like other men in the forest. They say that he, his predecessors and their men have always been quit of keeping watch over the dead bodies of the deer, but as to being quit of escapes, gelds, footgelds, buckstalls and trists, they say that neither the present Prior, nor his men, nor any of his predecessors, nor their men, were ever excused, ‡ or quit thereof by virtue of the grant, but they were quit by virtue of the grant of all payment for the passage of carts and pack-saddle, and they have ever, from ancient time, been accustomed to have housebote and hedgebote in the woods above mentioned as appurtenant to their free tenements in the same townships, as claimed above. Judgment is given that the Prior and his successors

\* Claudius D. XI. has idem Prior clamat quod ipse et homines sui sint quieti de misericordia foreste dicunt quod quandocumque.

† Claudius D. XI. has *contra*.

‡ Kelham gives *disporter* (*eux*) ease them, excuse them. I have not found another instance of the Latin form used here.



est quod ipse et successores sui quoad housebote et haibote secundum assisam foreste ut predictum est, habeant et teneant imperpetuum, et similiter quod ipse et homines sui sint quieti de vigilia facienda super fera mortua et de carreio et summagio predictis salvo semper jure, etc., et similiter quod idem Prior sit in misericordia pro falso clamio suo residue ei non allocato.

Prior de Ellerton clamat quod ipse et homines sui sint quieti de misericordia foreste, de vasto et regardo foreste ubique in maresco, et in omnibus geldis, wodegeldis, horngeldis, fotegeldis, bukstallis, tristis et amerciamentis, et quod sint quieti de scoto, et de omni carreio, summagio et tallagio, et quando homines sui sunt dampnati in exilium quod habeat omnia catalla eorum, et quod oves et animalia eorum non capiantur in manum, nec in communi pastura imparcentur. Et similiter clamat habere forisfacturas et misericordias hominum suorum de omnibus placitis ubicumque fuerint indictati. Et dicit quod dominus Henricus quondam Rex Anglie progenitor domini Regis nunc per cartam suam suscepit in manum suam propriam custodiam, proteccionem et defensionem domus de Ellertona, et precepit quod ipse et homines sui fuissent quieti de misericordia foreste, vasto, regardo, geldis, wodegeldis, fotgeldis, horngeldis, bukstallis, tristis et amerciamantis. Et quod fuissent quieti de scoto et de omni carreio, summagio et tallagio, et quod haberet omnia catalla hominum suorum cum dampnati fuerint in exilium, et quod oves aut animalia eorum non caperentur in manum neque in communi pastura impararentur; et quod haberent misericordias et forisfacturas hominum suorum ubicumque fuerint indictati; unde dicit

receive for ever housebote and hedgebote in accordance with the assize of the forest, and likewise be quit of keeping watch over dead deer, and paying for the passage of carts and pack-saddles, but he is to be amerced for his false claim, so far as his claim is not allowed.

The Prior of Ellerton claims that he and his men are quit of ameracements of the forest, waste and regard of the forest everywhere in the marsh, and of gelds, wood-gelds, horn-gelds, foot-gelds, buck-stalls, trists and ameracements, of scot, of payments for the passage of carts and pack-saddles, of tallage; and that he ought to have the goods and chattels of such of his men as are outlawed; and that their sheep and other animals ought not to be seized or impounded in the common pasture; and he likewise claims the forfeitures and ameracements of all his men in any pleas wherever they may be indicted. All this he claims to have enjoyed under a deed granted by Henry III. who took the house of Ellerton under his protection. He is ready to prove that he and his men and all former Priors have from the date of the deed enjoyed all these rights without interruption, and he prays

quod virtute carte predicte ipse et homines sui et similiter omnes Priores loci predicti semper a tempore confeccionis ejusdem carte sine interrupcione de premissis fuerunt quieti et liberi de scoto, carreio, et omni summagio et tallagio, et habuerunt catalla hominum suorum dampnatorum in exilium et similiter misericordias et forisfacturas eorundem ubicumque fuerint indictati ; et oves et animalia eorum non capiebantur in manum nec imparcabantur in communi ; et hoc paratus est verificare per ministros foreste ; et petit quod clamia sua predicta in hac parte ei allocentur. Et quia non liquet Curie manifeste cujusmodi libertates ratione predictorum vocabulorum idem Prior pro se et hominibus suis intendit, dictum est eidem Priori quod eadem vocabula declaret etc. Et Prior dicit quod quoad clamium suum quod ipse et homines sui sint quieti de misericordia foreste, ipsi per hoc extiterunt quieti de omni misericordia in qua aliquantulum in foresta predicta ipse et homines sui possint incidere. Et de vasto quieti sunt, scilicet si vastum fecerint in boscis suis infra forestam, non propter hoc occasionentur. Et de rewardo similiter quieti sunt ubique in maresco. Et quoad hoc quod ipse et homines sui sint quieti de omnibus geldis dicit quod ipsi per hoc extiterunt quieti de omni putura forestariorum et omni prestacione faciendā ad collectam garbarum, agnorum et lane ad opus forestariorum ejusdem foreste. Et de wodegeldis scilicet cum contigerit quod aliqua collecta\* in foresta facta fuerit ad opus quorumcumque ministrorum foreste [299b] ipse et homines sui de hujusmodi wodegeldis virtute carte predicte quieti sunt, et de horngeldis† similiter dicit quod cum contigerit aliqua collecta fieri in foresta de bestiis cornutis scilicet

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that his claims may be allowed. As it is not clear to the court what kind of liberties the Prior intends to claim for himself and his men by these words he is commanded to explain their meaning. He says that by being quit of ameracements of the forest he and his men have ever been quit of every ameracement which could in any manner fall upon him or his men in the forest. They are quit of waste, that is to say, they are not to be troubled on account of any waste which they may commit in their woods within the forest. They are likewise quit of regard everywhere in the marsh. They are also quit of all gelds, that is to say, of the foresters' puture and of contributing to collections of sheaves, lambs and wool for the use of the foresters ; and likewise of wood-gelds whenever any collection is made for the use of any of the officers of the forest, and likewise of horn-gelds when any

\* As, for instance, the claim to hens attempted to be set up, Vol. I., N.S., page 222.

† Compare with this *cornagium* in the Glossary to the Boldon Buke, Surtees Society, Vol. XXV., p. 55.

secundum majus vel minus cum contigerit accessari, ipse et homines sui per hoc sunt quieti. Et quoad hoc vocabulum fotegeldis dicit quod omnes canes hominum manencium infra limites ejusdem foreste debent expeditari secundum assisam ejusdem foreste, vel si non fuerint expeditati graviter amerçantur, vel pro ipsis non expeditatis finem faciant, ipsi et homines sui per hoc de hujusmodi amerçantis et finibus semper ex causa predicta necnon expeditacione eorundem quieti permanserunt. Et similiter quoad hoc vocabulum quod dicitur bukstallis dicit quod ubi iidem homines tenentur ibidem convenire ad stalleiam faciendam circa feras et ad easdem congregandas, quod si non fecerint graviter amerçantur vel pro eodem finem faciant, ipse et homines sui virtute carte predicte semper a tempore confeccionis ejusdem de hujusmodi consuetudinibus necnon finibus et amerçantis in foresta ista quieti extiterunt. Et quoad hoc vocabulum quod dicitur tristis dicit quod ubi alii homines manentes in eadem foresta tempore quo dominus chaciaverit in eadem venire debent ad tenendos leporarios certis locis eis assignatis pro feris ibidem expectandis et capiendis. Et quoad hoc vocabulum de amerçantis, scilicet quando dicti homines non veniunt ad tristas et bukstallos amerçantur, et de predictis tristis et bukstallis et hujusmodi amerçantis sint quieti. Et quoad hoc vocabulum de carreio dicit quod cum alique carre vel carrecte carcate transeuntes per forestam, et similiter summagia equorum consuete sunt solvere secundum majus et minus ministris ejusdem pro chimino ibidem habendo, ipse et homines sui licet eorum carre, carecte vel summagia per eandem forestam transierint de hujusmodi prestacione pro chimino suo habendo semper a tempore

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collection varying in amount is made of horned beasts within the forest ; and likewise of footgelds whilst the dogs of all other residents within the limits of the forest ought to be lawed according to the assize of the forest, or if not lawed their owners are heavily fined or compound. They are also quit of buckstalls whilst the other residents ought to assemble for the purpose of collecting deer into an inclosure which they have to make for that purpose, or if they fail to do so are heavily fined or compound. They are also quit of trists whilst all other residents in the forest when the lord hunts therein ought to hold greyhounds at fixed stations to wait for and take the deer. They are also quit of all ameracements for not appearing at buckstalls and trists. They are also quit of making any payment great or small for the passage of loaded carts or waggons or packsaddles through the forest. Scot is when a collection is made amongst the men for conveying prisoners [?] or the like ; they are quit of that and also of tallage. Whenever any of their men are outlawed in the forest Eyre for offences

confeccionis carte predicte quieti extiterunt. Et quoad hoc quod liberi sunt de scoto et tallagio dicit quod scotum est quando dicti homines faciunt collectam inter se et prisonos ducendos vel hujusmodi, ipsi de hoc quieti sunt et similiter de tallagio. Et quoad hoc quod clamat habere catalla hominum suorum dampnatorum in exilium, scilicet cum homines sui utlagentur in isto itinere foreste pro transgressione viridi et venacionis ipse habebit eorum catalla et predecessores sui sic habuerunt virtute carte predicte. Et quod oves et animalia eorum non capiantur in manum neque in communi pastura imparcentur, scilicet pro nulla causa. Et quod habeat misericordias et forisfacturas hominum suorum de omnibus placitis ubicumque fuerint indictati, scilicet tam in itinere isto quam alii [? alibi]. Quibus quidem libertatibus ipse et homines sui et similiter omnes Priores loci predicti predecessores sui a tempore confeccionis carte predicte sine interruptione usi sunt et gavisi, et hoc paratus est verificare per ministros istius foreste etc. Ideo inquiratur rei veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod Prior qui nunc est et homines sui et omnes Priores loci predicti predecessores sui semper a tempore confeccionis carte predicte quieti sunt et fuerunt in foresta ista de misericordia [300] foreste et vasto ubique in marisco, et similiter de wodegeldis, horngeldis, fotegeldis, bukstallis, tristis et amerciamentis, et liberi similiter extiterunt de scoto et de omni carreio, summagio et tallagio prout superius clamat, et similiter habuerunt catalla hominum suorum dampnatorum in exilium et ceteras libertates in clamio suo contentas, exceptis de rewardo in marisco qui [? quia] ministri foreste semper illud fecerunt ibidem. Et similiter de expeditacione canum suorum et hominum suorum quod ministri ejusdem foreste semper se inde intromiserunt et misericordias pro eis perceperunt et levaverunt. Ideo consideratum est: quod idem Prior quoad rewardum et expeditacionem nichil capiat per clamium

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of vert or venison they and their predecessors have always from the date of the grant had their goods and chattels of such outlaws. Moreover their sheep and other animals are not for any cause to be seized or impounded in the common pasture.

He ought also to have the amercements and forfeitures of all his men arising from pleas wherever indicted, either in the present Eyre or elsewhere. He is ready to prove that he, his predecessors and men have enjoyed these rights without interruption from the date of the grant. An inquiry is directed, and it is found that the present Prior and his men and all former Priors have enjoyed the rights claimed except as to regard in the marsh which the officers of the forest have always made, and likewise the officers of the forest have always paid

suum, set sit in misericordia pro falso clamio suo, et similiter quod idem Prior quoad residuum clamiorum suorum habeat illud et gaudeat sibi et successoribus suis imperpetuum, salvo semper jure etc.

Johannes de Melsa miles clamat habere housebote et haibote pro se, hominibus et tenentibus suis de Levesham in boscis suis de Levesham secundum assisam foreste, et habere rationabile estoverium de turbis pro se, hominibus et tenentibus predictis in dominicis suis de Levesham fodiendo, et habere forgiam et mineram ferri in boscis suis de Levesham, reddendo inde per annum Comiti ij<sup>s</sup>, et habere aereas falconum, merlenionum et espervariorum et mel quod inventum fuerit in boscis suis de Levesham; et clamat habere wodewardum in boscis suis de Levesham; et dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria usi sunt pro se, hominibus et tenentibus suis habere housebote et haibote in boscis predictis tanquam pertinencia ad liberum tenementum suum in eadem villa, et similiter habere rationabile estoverium de turbis pro se, hominibus et tenentibus suis in dominicis suis de Levesham fodiendo, ipse et omnes antecessores sui semper a tempore quo non extat memoria usi sunt et gavis, et dicit similiter quod ipse et omnes antecessores sui semper a tempore quo non extat memoria habuerunt forgeam et mineram ferri in boscis suis de Levesham, et ceperunt cablicia et siccum boscum in eisdem pro sustentacione ejusdem per redditum predictum, et similiter habuerunt aereas falconum, merlenionum et espervariorum et mel quod inventum fuerit in eisdem boscis, et similiter wodewardum in eisdem, et hoc paratus est verificare per ministros ejusdem foreste etc. Et quia videtur Justiciariis quod expediens est et necesse quod inquiratur per eosdem qualiter predictus Johannes de Melsa et antecessores sui libertatibus predictis usi sunt, ideo inquiratur inde veritas per eosdem ministros. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod predictus Johannes de Melsa et omnes antecessores sui a tempore quo non extat memoria semper et

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attention to the lawing of their dogs and levied fines in respect thereof. Judgment is given in accordance with the verdict.

Sir John de Meaux claims to have housebote and hedgebote for himself, his men and tenants of Levisham in his woods of Levisham in accordance with the assize of the forest, and reasonable estovers of turves in his demesnes of Levisham for himself, his men and tenants, and ironstone and a smelting-place in his woods of Levisham, paying to the earl an annual rent of 2<sup>s</sup> and aeries of falcons, merlins and sparrowhawks and whatever honey is found in his woods at Levisham, and he claims to have a woodward in such woods. He is ready to prove that all these rights having been exercised by himself and his

sine interrupcione habuerunt housebote et haibote et racionabile estoverium de turbis pro se, hominibus et tenentibus suis predictis in boscis et dominicis suis de Levesham, et similiter habuerunt forgeam et mineram ferri in boscis suis de Levesham pro reddito predicto, et ceperunt cablicia et siccum boscum in eisdem pro sustentacione ejusdem, et similiter habuerunt aereas falconum, [300 b] merlenionum et espervariorum et mel quod inventum fuerit in boscis predictis, et similiter wodewardum. Ideo consideratum est quod predictus Johannes de Melsa omnes libertates suas in clamio suo contentas habeat et gaudeat imperpetuum, salvo semper jure etc.

Radulphus de Hastyng clamat in mora sua de Alverstan capere brueram [et] feugeram et fodere turbas in eadem mora et asportare, cariare, dare et vendere pro voluntate sua; clamat eciam in eadem mora loco qui dicitur Arnaldestan construere bercarias et eas habere et tenere et aliis quibuscumque dimittere pro voluntate sua; et eciam in boscis suis de Alverstan, scilicet in Crostclyf et Stayndale capere per assisam foreste viridum pro housebote et haibote et siccum boscum ad faciendum inde proficuum suum sine visu vel liberacione pro voluntate sua; et eciam in Farmanby quendam boscum\* qui vocatur Langowedale, videlicet de Howe de Langowedale versus orientem totam illam partem, videlicet viridum per assisam foreste pro housebote et haibote siccum capere, vendere, dare et omnino inde voluntatem suam facere; et eciam communicare cum capris in omnibus boscis et moris predictis tam de Alverstan quam de Farmanby, omnibus temporibus anni sine occasione vel calumpnia ballivorum vel forestariorum; et eciam fugare ad vulpes et lepores infra les Acredikes† de Alverstan et Farmanby; et

ancestors from ancient time, the housebote and hedgebote being appurtenant to his free tenement in Levesham and brouse-wood and dry wood being taken to feed his furnaces. An inquiry is directed, and it is found that Sir John and his ancestors have from ancient time enjoyed the rights so claimed without interruption. Judgment is given in accordance with the verdict.

Sir Ralph Hastings claims the right of taking heather and bracken, and cutting turves on Allerston Moor, and carrying them away, giving and selling them at pleasure; he also claims the right of erecting sheepfolds at a place on the same moor called Arnold's stone, of occupying them himself and leasing them to others; he also claims

\* The grammar here is somewhat mixed.

† There is a very full note by Canon Atkinson on this word in the Surtees Society, Vol. LXXII., p. 426. Within the Acredikes was comprised the arable land of the township, which might be common or, as was the case in the passage referred to, held in severalty.

eciam presentare unum wodewardum in moris et boscis suis de Farmanby. Et dicit quod ipse est tenens manerii de Alverstan de quo mora predicta est parcella, et ipse et omnes antecessores sui, tenentes ejusdem manerii, a tempore quo non extat memoria usi sunt capere brueram, feugeram, fodere turbas in predicta mora sua de Alverstan, et asportare, cariare, vendere et dare pro voluntate sua; et dicit similiter quod ipse et omnes antecessores sui, tenentes ejusdem manerii, a tempore quo non extat memoria usi sunt construere bercarias in eadem mora loco qui dicit Ardolvestan [*sic*] et eas habere et tenere et aliis quibuscumque dimittere pro voluntate sua; et dicit similiter quod quoad habendum viridum [pro] housebote et haibote in boscis suis de Alverstan et siccum ad faciendum proficuum suum sine liberacione vel visu in locis predictis, ipse est dominus de Farmanby [? Alverstain] unde boscus predictes est parcella et ipse et omnes antecessores sui tenentes ejusdem manerii, a tempore quo non extat memoria usi sunt capere in boscis suis predictis de Alverstan, scilicet in Crostclyf et Stayndale, per assisam foreste viridum pro housebote et haibote et siccum ad faciendum inde proficuum suum sine visu vel liberacione pro voluntate sua; et quoad capiendum brueram et feugeram et fodere turbas in mora sua de Farmanby et eas asportare, cariare, vendere et dare et inde omnino voluntatem suam facere, dicit similiter quod ipse est dominus de Farmanby et ipse et omnes antecessores sui et alii cujus statum ipse [301] habet a tempore quo non extat memoria ceperunt brueram, feugeram et fodere turbas in eadem mora et eas asportare, cariare, vendere et dare et voluntatem suam inde fecerunt; et quoad communicandum cum capris in omnibus boscis et moris predictis tam de Alverstan quam de Farmanby omnibus temporibus anni sine occasione etc, et similiter fugare lepores infra les Acredykes de Alverstan et Farmanby, et habere

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in his woods at Allerston, Cross Cliff and Staindale, the right of taking vert according to the assize of the forest for housebote and hedgebote and dry wood to make profit thereout without view or livery of the foresters at his own pleasure; he also claims in a wood in Farmandby called Langatdale in all that part to the east of the Howe the right of taking vert according to the assize of the forest for housebote and hedgebote, and to take, sell, give away and do what he likes with the dry wood; and also the right of common of pasture for his goats in all the woods and moors before mentioned, as well those of Allerston as of Farmandby, at all times of the year without hindrance or adverse claim made by the bailiffs or foresters; and also the right of hunting fox and hare within the Acredikes of Allerston and Farmandby; and also of presenting [at the Attachment Court] a

unum wodewardum in moris et boscis suis de Alverstan, et alium wodewardum in moris et boscis suis de Farmanby (et) dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria semper communicarunt cum capris in omnibus moris et boscis predictis, et similiter fugarunt ad vulpes et lepores infra les Acredykes, et habuerunt unum wodewardum in moris et boscis predictis de Alverstan et wodewardum in moris et boscis suis de Farmanby, et hoc paratus verificare per ministros ejusdem foreste etc. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores super hoc jurati et onerati dicunt super sacramentum suum quod quoad clamia sua, scilicet capiendi in mora sua de Alverstan brueram, feugeram et fodiendi turbas in eadem mora et eas asportandi, cariandi, dandi et vendendi per voluntatem suam, et similiter in boscis de Alverstan per divisas predictas capiendi viridum per assisam foreste pro housebote et haibote et siccum ad faciendum inde proficuum suum sine visu vel liberacione, et similiter communicandi cum capris in omnibus moris et boscis predictis tam in Alverstan quam in Farmanby omnibus temporibus anni sine occasione vel calumpnia ballivorum vel forestariorum, et similiter presentandi unum wodewardum in moris et boscis suis de Alverstan et alium wodewardum in moris et boscis suis de Farmanby, quod idem Radulphus et omnes antecessores sui a tempore quo non extat memoria usi sunt in boscis suis de Alverstan, scilicet in Crostclyf et Stayndale capere per assisam foreste viridum pro housebote et haibote et siccum ad faciendum inde proficuum suum sine visu vel liberacione pro voluntate sua, et similiter quod idem Radulphus et antecessores sui predicti semper a tempore quo non extat memoria usi sunt communicare cum capris in omnibus moris et boscis predictis tam de Alverstan quam de Farmanby omnibus temporibus anni sine calumpnia vel occasione ballivorum vel forestariorum, et similiter quod idem Radulphus et omnes antecessores sui predicti semper a tempore

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woodward for his moors and woods of Farmandby. He is ready to prove that he holds the manors of Allerston and Farmandby, of which the moors and woods above referred to are respectively parcel, and he and his ancestors while holding such manors have, from ancient time, been wont to exercise the rights so claimed.

An inquiry is directed and the jury say that Sir Ralph and his ancestors have been wont from ancient time to take in the woods of Allerston, Cross Cliff and Staindale, vert according to the assize of the forest for housebote and hedgebote and dry wood to make profit thereout at their own pleasure without view or livery of the foresters, and likewise to exercise common of pasture for their goats in all woods and moors of Allerston and Farmandby at all times of the year



quo non extat memoria presentarunt unum wodewardum in moris et boscis suis de Alverstan et alium wodewardum in moris et boscis suis de Farmanby, et quoad clamium suum construendi bercarias in mora de Alverstan scilicet in Ardolvestan et eas habere et tenere et aliiis quibuscumque dimittere pro voluntate sua dicunt iidem ministri super sacramentum suum quod a tempore quo non extat memoria habebat quendam bercariam ab antiquo edificatam cujus muri adhuc stant, quam quidem bercariam antecessores predicti Radulphi edificarunt et habuerunt et tenuerunt et dimiserunt pro voluntate sua, et idem Radulphus eam adhuc edificare, habere et tenere potest ut de jure suo ab antiquo si velit, set quod nec ipse nec antecessores sui unquam ibi construerunt [301b] seu habuerunt aliquas bercarias ut clamat, et quoad clamium quod clamat in Farmanby quendam boscum qui vocatur Langowedale per divisas in eodem clamio contentas, et habere ibidem viridum per assisam foreste pro housebote et haibote, et siccum capere, vendere, et dare et omnino inde voluntatem suam facere, dicunt iidem ministri super sacramentum suum quod idem Radulphus nec aliquis antecessorum suorum unquam aliquo tempore aliter fuerunt inde seisiti, nisi quod omnes wodewardi ipsius Radulphi et antecessorum suorum a tempore quo non extat memoria usi sunt capere de hominibus, mulieribus et pueris communam\* non habentibus portantibus siccum boscum super eorum capita† qualibet septimana unum denarium vel aliquando unum obolum de bosco predicto, salva hominibus ejusdem ville communa sua, et si iidem homines et mulieres vel pueri nichil solverint eidem, summoniti fuerunt veniendum ad curiam ipsius Radulphi

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without adverse claim or hindrance from the bailiffs or foresters; they have likewise presented one woodward for Allerston and another for Farmandby. But as to the sheepfolds they say that Sir Ralph had a sheepfold built long ago whose walls are still standing; his ancestors built it, occupied it and leased it at pleasure, and Sir Ralph can, if he please, do the same as his prescriptive right, but neither he nor his ancestors ever erected or occupied any other sheepfolds as he claims. As to Langatdale, they say that the only right that Sir Ralph or any of his ancestors ever had therein was that all their woodwards from ancient time were accustomed to take from men, women and children, who had no common of estovers and carried dry wood away on their heads, sometimes a penny and sometimes a halfpenny a week, saving all rights of common, and if the men, women or children did not pay they were summoned to Sir Ralph's court and fined there for their offence.

\* The contraction for *causam* is used.

† It is interesting to notice how ancient this method of carrying firewood is. It may, perhaps, be said that no other method is physically possible.

et ibidem amerciati fuerunt pro delicto illo : et quoad hoc quod idem Radulphus clamat in mora sua de Farmanby capere brueram, feugeram et fodere turbas et eas asportare, cariare et dare et inde omnino voluntatem suam facere, dicunt iidem ministri quod iidem Radulphus et omnes antecessores sui et tenentes ejusdem manerii a tempore quo non extat memoria habuerunt brueram, feugeram et foderunt turbas pro suis [? usibus] propriis tantum et non pro vendere, dare nec aliter voluntatem suam facere ; et quoad hoc quod idem Radulphus clamat communicare cum capris in omnibus boscis et moris predictis tam de Alverstan quam de Farmanby omnibus temporibus anni sine occasione vel calumpnia ballivorum et forestariorum, et similiter presentare unum wodewardum in moris et boscis suis de Alverstan et alium wodewardum in boscis suis de Farmanby, dicunt iidem ministri quod ipse et omnes antecessores sui et tenentes\* eorundem maneriorum quorum statum ipse habet a tempore quo non extat memoria communicarunt in boscis et moris predictis tam de Alverstan quam de Farmanby omnibus temporibus anni sine calumpnia vel occasione forestariorum vel ballivorum, et eciam presentaverunt unum wodewardum in moris et boscis suis de Alverstan et alium wodewardum in moris et boscis suis de Farmanby ; et quoad hoc quod idem Radulphus clamat fugare vulpes et lepores infra les Acredykes de Alverstan et Farmanby, dicunt similiter iidem ministri quod antecessores sui abjudicati fuerunt abinde in ultimo itinere Justiciariorum istius foreste : ideo quoad hoc et similiter quod possit capere brueram et feugeram et turbas fodere et eas asportare, cariare, dare et vendere et omnino voluntatem suam facere, salvis

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They further say that Sir Ralph and all his ancestors and the tenants of the manor of Farmandby have from ancient time had heather and bracken and cut turves for their own use only and not for sale, gift or dealing with at pleasure. They also say that he and his ancestors and all former holders of the manor whose estate he now has from ancient time have exercised common of pasture for goats at all times of the year in the woods and moors of Allerston and Farmandby without adverse claim or hindrance on the part of the foresters or bailiffs, and have also presented a woodward for their moors and woods of Allerston and another for those of Farmandby. They likewise say that judgment was given in the last Eyre of the Justices of the forest against the claim of the ancestors of Sir Ralph to hunt fox and hare within the Acredikes of Allerston and Farmandby. Judgment is given that Sir Ralph fail in his claim as to this last, and as to taking

\* As a general rule I translate *tenens manerii* as tenant of a manor, *tenens manerium* as one holding a manor, but this rule is not of universal application.

estoveriis hominibus predictis etc, consideratum est quod idem Radulphus nichil capiat per clamium suum predictum in hac parte, set sit in misericordia pro falso clamio suo, et quoad residuum tocius clamii sui habeat idem Radulphus sibi et heredibus suis imperpetuum, salvo semper jure etc.

Alanus filius Alani de Cloghton clamat esse quietus de pannagio porcorum suorum in Foulwode et Haiburn infra limites foreste omni tempore anni et dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria racione [302] terrarum suarum quas tenet in Cloghton et Brinyston que sunt francum feodum, quieti fuerunt de pannagio ut pertinenti ad terram suam predictam et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores super hoc onerati et jurati dicunt super sacramentum suum quod idem Alanus et omnes antecessores sui a tempore quo non extat memoria racione terrarum suarum in predictis villis de Cloghton et Bryniston que sunt francum feodum, semper fuerunt quieti de pannagio porcorum, scilicet per quindecim dies ante festum Sancti Michaelis et sic usque festum Sancti Martini in hieme, set dicunt quod nec ipsi nec alii tenentes earundem villarum de Cloghton et Brinyston, sive fuerint tenentes de franco feodo sive in socagio unquam fuerunt quieti nec esse debent de pannagio mense defenso, scilicet per quindecim dies ante festum nativitatatis Sancti Johannis Baptiste et per quindecim dies post idem festum annuatim. Ideo consideratum est quod idem Alanus de pannagio porcorum suorum per xv dies ante festum Sancti Michaelis et sic usque festum Sancti Martini annuatim sit quietus imperpetuum, salvo semper

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heather and bracken and cutting turves and carrying them away, giving and selling and dealing as he please with them, but that he succeed as to the rest.

Alan the son of Alan of Cloughton claims to be quit of pannage for his pigs in Fulwood and Hayburn, within the limits of the forest, at all times of the year, and is ready to prove that he and all his ancestors from ancient time, by reason of their frank fee tenure of lands in Cloughton and Burniston, have enjoyed quittance of pannage as appurtenant to their lands. An inquiry is directed and it is found that Alan and all his ancestors from ancient time, by reason of their tenure in frank fee of lands in Cloughton and Burniston, have always been quit of pannage for their pigs from 14 September to 18 November, but that neither they nor any other tenants of Cloughton and Burniston, whether of frank fee or socage tenure ever were or ought to be quit of pannage during fence month, that is to say, from 19 June to 9 July. Judgment is given that Alan be for ever quit of

jure etc, et quoad residuum clamii sui nichil capiat, set sit in misericordia pro falso clamio suo etc.

Abbas beate Marie Eboracensis clamat habere decimam tocius venacionis de foresta de Pikeryng imperpetuum, habendum scilicet in carne et coreis quicumque dictam venacionem ceperit sine labore et molestia, et quod ipse et successores sui imperpetuum possint capere vulpem et leporem in foresta predicta sine cujuslibet contradiccione, et similiter tenere quendam clausum in maresco de Normanby de solo suo proprio inclusum, et dicit quod dominus Henricus quondam Rex Anglie progenitor domini Regis nunc concessit Deo et Sancte Marie Eboracensi et Abbati ejusdem loci predecessori suo imperpetuum habere totam decimam tocius venacionis sue de Euerwykshira in carne scilicet et coreis per cartam quam hic profert et que hoc testatur in hec verba : Henricus Rex Anglie Archiepiscopo Eboracensi et vicecomiti et omnibus ministris et baronibus de Euerwykshira Francis et Anglicis salutem. Concedo Deo et Sancte Marie et Abbati Abbatie Sancte Marie de Euerwyk imperpetuum habere totam decimam tocius venacionis mee in Euerwykshira in carne scilicet et coreis quicumque capiat et lardarii mei eis liberent totam, et vicecomes meus de Euerwyk videat ut sine labore et molestia habeant predicti monachi. Testibus Umfrido Bigcapel Edmundo Dapifero\* apud Pikeryng. Quam quidem concessionem dominus Johannes quondam Rex Anglie etc. confirmavit. Virtute cujus carte et similiter confirmacionis predictarum ipse et similiter omnes Abbates loci predicti predecessores

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pannage from 14 September to 18 November, but fail as to the rest of his claim.

The Abbot of St. Mary's, York, claims tithe of venison in Pickering Forest, that is to say in flesh and hide, without toil or trouble, from any one who may have taken game, and likewise to hunt fox and hare without objection, and likewise to hold a certain close of his own land in Normanby Marsh enclosed. He says that Henry I. granted to the Abbey of St. Mary's, York, the whole of his tithe in Yorkshire in flesh and hide. He produces the deed ; it runs as follows :—Henry I. to the Archbishop of York, Sheriff and all officers and barons of Yorkshire, both Norman and English, greeting. I grant to the Abbey of St. Mary's, York, the whole tithe of my venison in Yorkshire, in flesh and hide, no matter who may take it, and my larderers are to deliver it, and let the Sheriff of Yorkshire see that the monks get it without toil or hindrance. Witnessed at Pickering by Humphrey Bigcapel and Edmund the Steward.

This grant King John confirmed ; and the present and all former

\* Written Daps'.

sui a tempore concessionis et confirmacionis predictarum usi sunt habere decimam tocius venacionis foreste predictae in carne et coreis quicumque eam ceperit sine labore et molestia prout superius clamat. Et quoad capiendum vulpem et leporem in foresta predicta sine cujuslibet contradiccione, dicit similiter quod idem dominus J. quondam Rex Anglie [302b] progenitor domini Regis nunc concessit et confirmavit cuidam Roberto Abbati loci predicti predecessori suo quod ipse et successores sui imperpetuum possunt capere vulpem et leporem in foresta per totam Eboracensem shiram libere sine cujuslibet contradiccione per cartam ipsius domini Johannis quam hic profert et que hoc testatur ; unde dicit quod virtute carte predictae ipse et omnes Abbates loci predicti predecessores sui semper a tempore confeccionis ejusdem ceperunt leporem et vulpem in foresta predicta que est infra corpus Comitatus Eboracensis sine cujuslibet contradiccione. Et quoad tenendum quendam clausum etc, dicit similiter quod ipse et omnes Abbates loci predicti a tempore quo non extat memoria tenuerunt clausum predictum inclusum etc. ; et dicit quod in ultimo itinere Justiciariorum istius foreste compertum fuit per ministros ejusdem foreste quod clausum predictum non nocens feris domini foreste predictae, per quod consideratum fuit quod Abbas qui tunc fuit et successores sui sic imperpetuum tenerent, unde dicit quod eo warranto clamat ipse habere decimam etc., et capere vulpes etc., et tenere clausum predictum etc. ; et petit quod clamia sua in hac parte ei allocentur. Et quia videtur Justiciariis quod expediens est et necesse ad inquirendum super possessione ipsius Abbatis et predecessorum suorum in hac parte priusquam ad allocacionem clamiorum

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Abbots have in right thereof, from the time of the grant and confirmation, been accustomed to have, without toil or hindrance, the tithe of all the venison of the forest, whoever might have taken it. He also says that King John granted and confirmed by deed to one Robert, then Abbot, that he and his successors might for ever hunt fox and hare in the forest throughout the whole of Yorkshire without objection from anyone. He produces the deed, vouches its contents and says that he and his predecessors have from the date thereof enjoyed the rights thereunder. He likewise says that he and all former Abbots have from ancient time held the close of land inclosed, and that in the last Eyre of the Justices of the Forest the close was found to be no injury to the deer, and judgment was given that the then Abbot and his successors might for ever hold it so inclosed. This is the right by which he claims the liberties, and he prays that they may be allowed.

The Justices think fit to have an inquiry made as to the possession of the Abbot before allowing his claims. An inquiry is directed and it

predictorum procedatur, inquiratur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod Abbas qui nunc est et similiter omnes Abbates loci predicti post ultimum iter Justiciariorum istius foreste venerunt ad custodem et forestarium foreste predicte cum canibus suis et in eorum presencia in foresta predicta ceperunt tot feras quot pertinebant ad decimam, et eas habuerunt in carne et coreis et pro voluntate sua asportaverunt, et si forte plures cepissent feras quam eis pertinuit illo anno pro decima, ille fere allocabantur et adhuc allocantur in proximo anno sequenti pro decima sua. Requisiti eciam iidem ministri si aliquam feram mortuam aliquo tempore receperint per aliquam liberationem nomine decime sue, dicunt precise quod non, set easdem feras quas ipsimet ceperint et non alias quascumque. Dicunt eciam quod Abbas qui nunc est et omnes Abbates loci predicti predecessores sui a tempore confectionis carte predicte usi sunt capere vulpem et leporem sine alicujus contradiccione in foresta ista. Et quoad clausum quem idem Abbas clamat tenere de solo suo proprio inclusum dicunt iidem ministri super sacramentum suum quod clausus predictus primo clausus fuit tempore domini Edwardi nuper Regis Anglie avi domini Regis nunc ante ultimum iter Justiciariorum istius foreste, set non contra assisam, et similiter durante toto itinere illo clausus predictus inclusus fuit, set non contra assisam neque ad nocumentum ferarum domini ejusdem foreste; et dicunt quod finito itinere illo statim quidam Abbas loci predicti qui tunc fuit de novo includere fecit clausum predictum contra assisam predictam et ad nocumentum ferarum ejusdem foreste, et annuatim

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is found that the present Abbot and his predecessors, after the last Eyre of the Justices of the Forest, have come with their dogs to the Keeper and Forester of the Forest, and in their presence taken in the forest as many deer as amounted to their tithe, and had them in flesh and hide and carried them away at pleasure; and if they happened to take more than the right amount of their tithe the surplus was carried over to the next year. The officers, being asked whether they ever received by livery any dead deer in the name of tithe, say distinctly, no; they had the deer that they took and no others whatsoever. The jury further say that from the date of the King's grant the present Abbot and his predecessors have been wont to catch fox and hare in the forest without objection. They further say that the close of the Abbot's own ground, which the Abbot claims to hold inclosed, was first inclosed in the time of Edward I., before the last Forest Eyre but not contrary to the Assizes of the Forest, and likewise remained enclosed during the Eyre, but not contrary to the Assizes of the Forest

fecit falcare in eodem clauso quaterviginti acras prati precii cujuslibet acre per annum xij<sup>d</sup>.; et dicunt quod omnes Abbates loci predicti predecessores predicti Abbatis et similiter Abbas qui nunc est semper hucusque [303] a tempore predicto clausum predictum contra assisam foreste et ad nocumentum ferarum ejusdem foreste inclusum tenuerunt et illum per numerum acrarum predictarum annuatim falcant ubi clausus predictus nunquam ante etc illud falcatus neque eratus [? aratus] fuit. Ideo idem Abbas quoad capere vulpem et leporem in foresta eat inde sine die, et quoad residuum dictum est eidem Abbati quod expectet inde judicium suum apud Pikeryng die Lune proximo post festum sancti Gregorii Pape. Ad quem diem apud Pikeryng coram prefatis Justiciariis venit predictus Abbas per attornatum suum, et deinde datus est eidem Abbati dies de audiendo inde judicio suo apud Pikeryng die Lune proximo post mensem Pasche. Ad quem diem venit predictus Abbas per attornatum suum predictum et petit quod possit admitti ad finem faciendum cum domino pro inclusione, imbladacione, falcacione et proficuo ejusdem clausi ab ultimo itinere Justiciariorum istius foreste usque nunc contra assisam foreste, necnon pro capcione decime sue ferarum ejusdem foreste per tempus predictum contra formam carte sue istius itineris, et similiter quod dictum clausum alto fossato\* ad voluntatem suam vel alio modo includere possit et illum sic inclusum tenere possit sibi et successoribus suis imperpetuum, et eciam quodam modo† decimam suam predictam

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or to the injury of the deer, but immediately after the conclusion of the Eyre the then Abbott inclosed it afresh contrary to the Assizes of the Forest and to the injury to the deer, and every year eighty acres of meadow therein, worth 1<sup>s</sup> an acre, were mown. But from that time the Abbots held it inclosed contrary to the assize of the forest and to the injury of the deer, and had a number of acres mown therein every year that never before were mown or tilled. The Abbot is allowed to catch fox and hare in the forest, but judgment on the rest of his claim is respited to Monday, 13 March, 1335. Judgment was further respited to Monday, 15 May following, when the Abbot appeared and agreed to pay a composition of £45 (sureties Sir William Playce and John de Kilvington) for the various offences presented against him; in

\* The Assize of the Forest only permitted inclosure by a low hedge and shallow ditch.

† I leave this untranslated, because I do not feel sure whether it implies an alteration in the method of taking tithe. The commentary on this claim in Coke's "Institutes," Vol. IV. p. 297, is, "as the prior of York claimed by charter to have tithe of all venison *tam in carne quam in corio* where he ought not to have it *in corio*, for which he was fined and enjoyed it *in carne*." I scarcely agree with this explanation. See Introduction.

juxta formam ejusdem carte, et pro omnibus aliis transgressionibus, excessibus, offensis et dampnis tam super ipsum Abbatem in itinere isto presentatis quam ante sessionem istius itineris non presentatis in foresta predicta quocumque tempore factis; et admittitur ad finem xlv<sup>li</sup> per plegium Willelmi Plays militis et Johannis de Kilvyngton etc.

Robertus\* filius Willelmi Wyerne et Thomas Thurnyf clamant habere wodewardum ad custodiendum boscum suum de Ebreston secundum assisam foreste, et clamant habere corticem de omnibus quercubus succisis et per ballivum vel forestarium de Pikeryng alicui liberatis in bosco de Ebreston, et dicunt quod quidam Thomas de Ebreston aliquando seisitus de manerio de Ebreston wodewardum et corticem prout in clamio suo continetur habuit tanquam pertinencia ad manerium predictum et inde obiit seisitus, post cujus mortem Thomas filius ejusdem Thome manerium predictum jure hereditario tenuit et wodewardum et corticem predicta tanquam pertinencia manerii predicti habuit: qui quidem Thomas filius Thome de manerio predicto cum pertinenciis suis postmodum feoffavit quosdam Willelmum Thurnef de Snaynton et Americum Grygge† de Scardeburgh, qui quidem Willelmus et Americus de manerio predicto seisiti virtute feoffamenti predicti fecerunt particionem inter eos de manerio predicto et habuerunt wodewardum et corticem predicta. Qui quidem Willelmus de porcione ejusdem manerii feoffavit ipsum Thomam Thurnef, virtute cujus doni

particular for inclosing, tilling, mowing, and making profit out of the close from the last Forest Eyre up to now contrary to the assize of the forest, also for taking tithe of the deer during the same time contrary to the form of grant, likewise for permission to inclose the land with a deep dyke at his pleasure or in any other way and to hold it enclosed for ever.

Robert son of William Wyerne and Thomas Thurnef claim a woodward to guard their wood at Ebberston according to the assize of the forest and the bark of all oaks cut down in Ebberston wood and delivered to anyone by the bailiff or forester of Pickering. They say that one, Thomas de Ebberston, who was one seised of the Manor of Ebberston had the woodward and bark so claimed as appurtenant to his manor and died seised thereof. After his death his son Thomas held the manor by right of inheritance and had the woodward and bark as appurtenant thereto. This Thomas afterwards enfeoffed William Thurnef, of Snainton, and Amery Grig, of Scarborough, of the manor

\* Further proceedings relating to this claim were taken in the King's Bench, and will be found in *Coram Rege* Rolls Mich., 21 Edw. III. m. 88, and Easter, 22 Ed. III. m. 40, which it is proposed to print towards the end of this volume.

† Gegge in *Coram Rege*, 21 Edw. III. m. 88.



seisitus est de purparte manerii predicti et proficui predictorum tanquam pertinente medietati manerii predicti, et idem Americus de purparte sua ejusdem manerii feoffavit Robertum Wyerne avum\* ipsius Roberti cujus heres ipse est, tenendum sibi et heredibus suis imperpetuum, virtute cujus feoffamenti seisitus fuit et inde obiit seisitus, et purpartem wodewardi et corticis tanquam pertinentem medietati [303 b] ejusdem manerii habuit et inde obiit seisitus. Post cujus mortem Willelmus Wyerne† filius et heres predicti Roberti medietatem manerii predicti intravit et tenuit tota vita sua, et purpartem suam proficui predicti tanquam pertinentem etc, cepit et habuit et inde obiit seisitus. Post cujus mortem medietas manerii predicti una cum purparte proficui predicti ut filius et heres [sic]‡ ipsius Willelmi descendebat. Et sic dicunt quod ipsi et omnes tenentes§ manerii predicti a tempore quo non extat memoria habuerunt wodewardum in bosco suo predicto et corticem de omnibus quercubus succisis etc. Et hoc parati sunt verificare prout Curia etc. Ideo inquiratur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores super hoc jurati et onerati dicunt super sacramentum suum quod omnes tenentes ejusdem manerii|| a tempore quo non extat memoria habuerunt wodewardum ad boscum suum custodiendum et ceperunt corticem de omnibus quercubus in eodem bosco succisis per forestarium et ballivum alicujus libertatis¶ tanquam pertinencia manerii predicti usque ad tempus quod Thomas

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with its appurtenances, and they being so seised made partition. William enfeoffed Thomas Thurneff of his part and Amery enfeoffed Robert Wyerne, the grandfather of the claimant. After the death of Robert Wyerne, William Wyerne, his son and heir, entered into one moiety of the manor, held it during his life, enjoyed the purparty of the profits as appurtenances thereto and died seised thereof. After his death the moiety of the manor with the purparty of the profits descended to the claimant as son and heir of William. Thus they are prepared to prove that they and all former holders of the manor from ancient time have had a woodward in the wood and the bark of all such oaks. An inquiry is directed and it is found that all the holders of the manor have from ancient time had a woodward to guard their wood and the barks of all oaks cut by the forester or bailiff and

\* This explains the misteading at Vol. II., N.S., p. 54.

† Here and elsewhere *Coram Rege* has *de Wyerne*.

‡ *Coram Rege* has *ipsi Roberto ut filio et heredi*.

§ Here also it seems to me impossible to translate *tenens* as tenant. *Coram Rege* has *manerium predictum*.

|| *Coram Rege* has *eundem manerium*.

¶ Probably the former reading, *alicui libertatis*, is more correct, although the reading here also appears in the *Coram Rege* Roll.

Ughtred fuit ballivus castri de Pikeryng, tempore quo castrum predictum et honor ejusdem fuerunt in seisina domini Edwardi nuper Regis Anglie patris domini Regis nunc, tempore quo ipsi Thomas Thurnef et Willelmus Wyerne pater ipsius Roberti cujus heres ipse est fuerunt tenentes ejusdem manerii\* et habuerunt hujusmodi proficua tanquam pertinencia manerii predicti, quod Matildis de Bruys consanguinea ipsius Thome et una communariorum ejusdem ville ipsos Thomam et Willelmum [inde] perturbavit propter manutenentes† ipsius Thome Ughtred, et predicti Thomas et Willelmus statim postquam castrum de Pikeryng et honor ejusdem deveniebant ad manus domini Comitis nunc adepti fuerunt litteram dicti domini Comitis Radulpho de Hastyng nunc ballivo castri de inquirendo super juribus ipsorum Thome et Willelmi, coram quo inventa fuit seisina ipsorum Thome et Willelmi, et similiter tenentes [? tenencium] manerii predicti a tempore quo non extat memoria tanquam de pertinenciis ejusdem manerii et semper sine aliqua interrupcione, et virtute ejusdem littere repositi fuerunt in seisina sua, scilicet habendi wodewardum et corticem in bosco predicto de omnibus quercubus predictis et habuerunt. Et post predictum Willelmum iidem Thomas et Robertus filius et heres ejusdem Willelmi semper hucusque ea habuerunt tanquam pertinencia ejusdem manerii a tempore quo non extat memoria. Ideo consideratum est quod predicti Thomas et Robertus habeant wodewardum et corticem in bosco predicto de quercubus predictis sibi et heredibus suis imperpetuum, salvo semper jure etc.

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delivered to any one as appurtenant to the manor up to the time that Thomas de Ughtred was bailiff of Pickering Castle, when the Castle and Honor were in the seisin of King Edward II., at which time Thomas Thurnef and William Wyerne were the holders of the manor, when Matilda de Bruce, kinswoman of Thomas de Ughtred and a commoner of the township at the maintenance of her kinsman disturbed Thomas Thurnef and William Wyerne. The latter directly that the Castle and Honor came to the hands of the present Earl obtained from him a letter directing the present bailiff, Ralph de Hastings, to hold an inquiry as to their rights, before whom the seisin from ancient time without interruption of Thomas and William and all former holders of the manor was found and seisin was restored to them. After the death of William Thomas Thurnef and Robert Wyerne have always hitherto had seisin. Judgment was given that Thomas and Robert might have their woodward and bark for ever, without prejudice, etc.

\* As above.

† Coram Rege has manutenenciam.

Robertus Prior de Bridlington clamat habere sibi et successoribus suis porcos suos in Scalbia infra metas foreste de Pikeryng quietos ab omni pannagio. Et dicit quod dominus Henricus quondam Rex Anglie avus\* domini Regis nunc diu antequam dominus Henricus quondam Rex Anglie proavus domini Regis nunc honorem de Pikeryng, Scalbiam et forestam domino Edmundo patri Comitis nunc dedit, per cartam suam quam hic profert et que hoc testatur, concessit et dedit Canonicis de Bridlyngton quietanciam pannagii de porcis suis in foresta de Scalbia, et prohibuit ne quis eos vexaret vel disturbaret pro pannagio illo, unde dicit quod ipse et omnes Priores loci predicti predecessores sui [304] semper a tempore confeccionis carte predictae virtute ejusdem carte seisi sunt de quietancia predicta absque aliqua interrupcione, et hoc paratus est verificare per ministros foreste prout Curia etc. Et quia videtur Curie quod expediens est et necesse quod super premissis inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod quoad Haiam de Scallebia in dominicis domini Prior qui nunc est nec aliquis predecessorum suorum unquam ab antiquo tempore habuerunt pannagium porcorum suorum in eadem, set dicunt quod in communia de Scallebia ipse Prior qui nunc est et omnes Priores loci predicti predecessores sui semper a tempore confeccionis carte predictae virtute ejusdem carte habuerunt porcos suos quietos ab omni pannagio. Ideo consideratum est quod idem Prior quoad pannagium habendum in Haia de Scallebia nichil capiat per clamium suum set sit in misericordia pro falso clamio suo in hac parte, et quoad pannagium habendum in

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Robert, Prior of Bridlington, claims to have his pigs in Scalby within the forest of Pickering quit of pannage. He says that before Henry III. granted the Honor of Pickering, Scalby and the forest to his son Edmund, Henry II. granted to the Canons of Bridlington quittance of pannage for their pigs in Scalby forest, and forbade anyone to trouble them in respect thereof. He is ready to prove that he and all former Priors have always been seised of this quittance since the date of the grant and in virtue thereof without any interruption. The court thought fit to direct an inquiry, and it was found that neither the present Prior nor any of his predecessors ever from ancient time had [? quittance from] pannage in Scalby Hay, one of the Earl's demesnes, but that in the commons of Scalby the present Prior and his predecessors have always from the date of the grant and by virtue thereof kept pigs quit of pannage. Judgment is given that the Prior fail as to his claim to have pannage in Scalby Hay and be

\* This cannot, of course, be correct. The deed was enrolled and Henry II. appears to have been the King referred to.

communia de Scalbia pro porcis suis, quod illud habeat imperpetuum, salvo semper jure etc.

Decanus et Capitulum ecclesie sancti Petri Eboracensis clamant esse quieti de herbagio pro se et hominibus suis de Pikeryng, videlicet a vado quod dicitur Ferwath\* usque Alruif, et inde usque Holla, et inde usque Mirchesik, et inde usque Weledalebek, et inde usque Westblawath, et inde usque Estshonerhou, et inde inter Rotemur et Grimstanwath ex parte occidentali de Keshou usque ad extremitatem vie que dicitur Aldgate, et deinde usque Middelheved in Suterlund, et sic usque Rouclif, et sic usque Westguneldburges, et sic usque Berenhou, et sic usque Westlidyate de Pikeryng, et deinde usque Standand Stan juxta Hospitalem sancti Nicholai, et inde usque Costa, et sic usque Alda, et sic ad divisam de Kirkeby Misperton, et sic usque Freredik, et sic usque Midsyk, et sic in longum Midsyk usque ad divisam inter Thorntona et Pikeryng, et inde usque ad fundum de Langowedale, et inde usque ad Cutbriggate,† et inde usque ad aquam de Pikeryng, et inde usque ad Ferwath; et eciam pro se et hominibus suis de Pikeryng esse quieti de pannagio in omnibus moris et boscis infra divisas predictas. Et pro se et hominibus suis de Pikeryng esse quieti de putura omnium ministrorum foreste de Pikeryng. Et pro se et hominibus suis de Pikeryng housebote et haibote in

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amerced for his false claim, but that he enjoy for ever the right of pannage for his pigs in the commons of Scalby.

The Dean and Chapter of St. Peter's, York, claim to be quit of payment for herbage for themselves and their men of Pickering within these boundaries, namely, from the ford called Farwarth to Alruif, thence to Holla, thence to Mirk Esk, thence to Wheeldale Beck, thence to West Blawath, thence to East Shunner Howes, thence to Redmire and Grimston Wath on the east of Keshow up to the end of the road called Aldgate, thence to Middlehead in Sutherland, so to Rawcliffe, so to West Gunald burghs, so to Berenhow, so to West Lidyatts of Pickering, thence to the standing stone next St. Nicholas's Hospital, thence to the Costa, so to Alda, so to the boundary of Kirkby Misperton, so to Friardike, so to Midsike, so along Midsike to the boundary between Thornton and Pickering, thence to the farm at Langatdale, thence to Cuthbertgate, thence to Pickering Beck, thence to Farwath; and also for themselves and their men of Pickering to be quit of pannage in all moors and woods within the same boundaries, to be quit of pture of all officers of the forest of Pickering; to have house-

\* Compare this with the boundaries of Pickering, Vol. I., N.S., p. 23, and Vol. II., N.S., p. 214.

† Written both in the Duchy and Exchequer Coucher Outbriggate.

omnibus boscis et moris infra dictas divisas a dicto vado de Ferwath usque aquilonem per visum forestariorum ; et similiter capere cablicia et siccam buscam ad terram prostratam sine visu forestariorum cum acciderit ad sufficientem de housebote et haibote. Et pro se et hominibus suis de Pikeryng a dicto vado infra dictas divisas in omnibus boscis versus austrum extra Haiam de Blandeby subboscum ad campos et curtilagia sua in Pikeryng claudendos. Et pro se et hominibus suis de Pikeryng in omnibus boscis infra dictas divisas a dicto vado versus austrum colligere nuces ad estoveria sua. Et pro se et hominibus suis de Pikeryng in omnibus boscis infra dictas divisas versus austrum capere virgas ad utensilia carucarum suarum in Pikeryng. Et dicunt quoad clamium suum esse quieti de herbagio etc, de pannagio, expeditacione\* [304b] canum et de putura omnium ministrorum foreste de Pikeryng, dicunt quod dominus Henricus quondam Rex † Anglie, progenitor domini Regis nunc, dedit et concessit Sancto Petro et cuidam G. ‡ Archiepiscopo Eboracensi ecclesias de Pocolyntona, Dryffield, Kilum, Pikeryng, Burgh et Snayd cum omnibus suis capellis et soca et sak et consuetudinibus ad eas pertinentibus ; et precepit quod predictae ecclesie essent quiete, libere in omnibus rebus et consuetudinibus ut Sanctus Petrus perpetualiter teneat ipsas ecclesias quietas, solutas et liberas ab omni servicio per cartam suam quam hic profert [*sic*] et que hoc testatur. Virtute cuius doni idem G. Eboracensis Archiepiscopus quietus sit de herbagio pro se et hominibus suis de Pikeryng in foresta predicta per divisas predictas, et etiam de expeditacione canum, atque

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bote and hedgebote in all woods and moors within the said boundaries to the north of Farwath at view of the foresters ; and likewise to take browsewood and dry wood felled to the ground without view of the foresters whenever there shall happen to be more than enough for housebote and hedgebote ; and also to the south of Farwath within the said boundaries underwood except in Blansby Park for enclosing their fields and curtilages in Pickering, nuts as estovers and rods for the harness of their ploughs. As to their claim to be quit of all payment for herbage and pannage, of lawing of their dogs and of puture of all officers of Pickering Forest they say that Henry I. granted to St. Peter and Gerard Archbishop of York the churches of Pocklington, Driffield, Kilham, Pickering, Aldborough and Snaith with all chapels belonging thereto and with soc and sac and all customs ; and he ordained that the said churches should be quit and free in all matters and customs so that St. Peter might hold the said churches in perpetuity free of all service. The deed is produced and its contents

\* Not mentioned before.

† Henry I.

‡ Gerard, previously Bishop of Hereford.

eciam de putura omnium ministrorum foreste de Pikeryng, et dicunt quod facta permutacione inter predictum Archiepiscopum et tunc Decanum Capituli Eboracensis de ecclesia predicta pro aliis terris et tenementis, idem Decanus et Capitulum tunc temporis et omnes Decani ecclesie predictae et Capitulum tunc predicto et ipse similiter virtute carte predictae quieti fuerunt de hujusmodi quietanciis in clamiis suis contentis et hoc parati sunt verificare prout Curia etc. Et quoad habendum housebote et haibote pro se et hominibus suis de Pikeryng in omnibus moris et boscis per divisas predictas, dicunt quod ipsi sunt persona ecclesie de Pikeryng et tenent unam carucatam terre que quondam fuit antiquum dominicum Corone Anglie, modo autem francum feodum, ad quam pertinuerunt housebote et haibote in moris et boscis suis predictis infra divisas predictas, et sic tanquam pertinencia terre predictae ab antiquo ipsi et omnes predecessores sui et omnes persone ibidem perceperunt hujusmodi housebote et haibote, et similiter cablicia et siccum boscum tanquam eis pertinencia, et hoc parati sunt verificare etc. Et quoad habendum subboscum pro se et hominibus suis de Pikeryng extra Haiam de Blandeby ad campos et curtilagia sua claudendos, et similiter colligere nuces ad estoveria sua, et capere virgas ad utensilia carucarum suarum, dicunt quod ipsi et omnes predecessores sui a tempore quo non extat memoria ceperunt hujusmodi subboscum et collegerunt nuces et ceperunt virgas ad utensilia etc, tanquam pertinencia ad liberum tenementum suum, quod est dos ecclesie sue predictae et hoc parati sunt verificare etc. Ideo inquiratur inde veritas per ministros ejusdem foreste etc.

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vouched. By virtue of which grant Archbishop Gerard was quit of payment for herbage within the said boundaries for himself and his men of Pickering, and also of lawing of dogs and also of puture of all officers of Pickering Forest. Afterwards an exchange was made between the said Archbishop and the then Dean and Chapter of York of the said church for other lands, and they are ready to prove that the Dean and Chapter have ever enjoyed the quittances claimed. Further, they say that they are the rectors of Pickering church and hold a carucate of land, which formerly was ancient demesne but now is frank fee, to which there appertained housebote and hedgebote in the woods and moors within the said boundaries. They are ready to prove that they and their predecessors have from old time received such manner of housebote and hedgebote, and likewise browsewood and drywood as appurtenant to the said land. They further say that they and their predecessors have from ancient time taken underwood for themselves and their men of Pickering, outside Blandsby Park, to inclose their fields and curtilages, and likewise gathered nuts as estovers and taken poles for

Qui scilicet forestarii, viridarii et regardatores super hoc jurati et onerati dicunt super sacramentum suum quoad hoc quod predictus Decanus et Capitulum clamant esse quieti de herbagio pro se et hominibus suis infra divisas predictas, et similiter de pannagio, expeditione canum et putura omnium ministrorum foreste predictae.\* Et quoad habendum housebote et haibote et capere cablicia et siccum boscum dicunt quod iidem Decanus et Capitulum et omnes predecessores sui a tempore quo non extat memoria ceperunt housebote et haibote per divisas in predicto clamio suo contentas per visum forestariorum et similiter [305] cablicia et siccum boscum ad terram prostratam sine visu forestariorum habuerunt, si autem forestarii feodi venerint et subboscum predictum et cablicia manu operaverint [?]. Dicunt eciam quod iidem Decanus et Capitulum et omnes predecessores sui a tempore quo non extat memoria semper habuerunt subboscum prout clamant ad campos et curtilagia sua in Pikeryng claudendos et similiter virgas ad utensilia carucarum suarum in Pikeryng prout clamant, et hoc per visum forestariorum, et similiter colligere nuces per divisas predictas prout clamant. Ideo quoad clamium Decani et Capituli quod capere debent virgas† ad utensilia carucarum suarum in Pikeryng per divisas predictas consideratum est quod iidem Decanus et Capitulum nichil capiant in hac parte, set sint in misericordia pro falso clamio suo ;‡ et quoad ceteras quietancias et libertates in

harness of their ploughs, all as appurtenant to their free tenement, the dowry of their church. This they are ready to prove and an inquiry is directed. The jury find that the claims of the Dean and Chapter to be quit of payment for herbage with the limits aforesaid for themselves and their men, and likewise of pannage, lawing of dogs and puture of all the officers of the forest [have been proved]. They say that the Dean and Chapter and their predecessors have from ancient time taken housebote and hedgebote with the limits mentioned in the claim at view of the foresters, and likewise had browsewood and dry wood felled to the ground without view of the foresters, but only if the foresters of fee came and cut the underwood and browsewood. They also say that the Dean and Chapter and their predecessors have from ancient time had the underwood claimed for enclosing their fields and curtilages in Pickering, and likewise poles for the harness of their ploughs (but this at view of the foresters) and likewise the right of collecting nuts within the boundaries claimed. Judgment is given that

\* Probably an omission here which appears from the judgment.

† *Cp.* with *hars ad carucas*, Vol. I., N S., page 3, and Vol. II., N.S., page xii.

‡ I apprehend that the ground of disallowance was that they claimed the right as being capable of exercise *without view* of the foresters, while the verdict found that it had only been exercised *with view*.

clamio suo contentas eas habeant et gaudeant sibi et successoribus suis imperpetuum, salvo semper jure etc.

Radulphus de Bolmere clamat habere liberum parcum suum apud Torenton qui vocatur Riseberg, et ad habendum canes in predicta villa de Torenton ad currendum in parco predicto, et dicit quod dominus J. quondam Rex Anglie progenitor domini Regis nunc per cartam suam dedit et concessit cuidam Alano de Wylton tunc tenenti parci predicti et heredibus suis licenciam claudendi parcum predictum et facere inde parcum liberum ; et quod haberet canes in predicta villa de Torenton ad currendum in parco illo : virtute cujus carte dictus Alanus dictum parcum inclusit et liberum tenuit, et canes habuit in predicta villa ad currendum in eodem parco, cujus quidem Alani statum ipse Radulphus modo habet. Et dicit quod dominus E. nuper Rex Anglie pater domini Regis nunc donacionem et concessionem dicti domini J. quondam Regis Anglie etc, inspexit, et concessit eidem Radulpho quod ipse et heredes sui habeant et teneant parcum illum cum pertinenciis suis prout predictus Alanus eum habuit virtute carte predicte sine occasione vel impedimento ipsius Regis vel heredum suorum, Justiciariorum, Escaetorum, Vicecomitum aut aliorum ballivorum seu ministrorum Regis quorumcumque ; unde dicit quod sic tenet ipse parcum suum predictum inclusum et similiter canes in predicta villa de Torenton ad currendum in eodem, et petit quod clamium suum ei in hac parte allocetur. Et quia videtur Curie quod expediens est et necesse quod inquiratur per ministros foreste super possessione et visu ipsius Radulphi in hac parte priusquam clamium suum predictum ei allocetur, ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod predictus Alanus de Wylton virtute carte predicti Regis Johannis parcum predictum inclusit et liberum tenuit, et habuit canes

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the Dean and Chapter fail as to their claim to take poles for the harness of their ploughs, but succeed as to the rest of the quittances and rights claimed.

Ralph de Bulmer claims to have a free park at Thornton Riseborough, and to keep hounds to hunt there. He claims that King John by deed granted to one Alan de Wilton, then holder of the park, and his heirs, liberty to inclose and make a free park and to keep hounds to hunt there ; by virtue whereof Alan, whose estate he now holds, exercised the rights. He says that Edward II. inspected the grant of John and granted to Ralph that he and his heirs might hold the park with its appurtenances as Alan held it, without let or hindrance on the part of the King or his heirs, or his Justices, Escheators, Sheriffs, or other bailiffs or officers whatsoever. He says



suos in villa de Torenton ad currendum in eodem toto tempore suo. Et dicunt quod idem Radulphus similiter semper a tempore parcus predictus in manus suas exquisito suo devenit, tenuit parcum predictum inclusum et liberum, et canes suos in predicta villa de Torenton ad currendum in eodem sine aliqua interrupcione prout superius clamat. Ideo idem Radulphus habeat et teneat parcum suum predictum inclusum et liberum, et canes suos in predicta villa de [305b] Torenton ad currendum in eodem sibi et heredibus suis imperpetuum, salvo semper jure etc.

Thomas de Pikeryng et Margareta uxor ejus clamant habere in dominico bosco suo de Lokton wodewardum ad custodiendum boscum suum predictum ; et quod nullus in eo amputet aut prostrare faciat arborem aliqualem sine voluntate sua ; et quod ipsimet in dicto bosco possunt prostrare et dare pro voluntate sua arbores virides et siccas, et dare et vendere arbores siccas pro voluntate sua sine visu forestariorum ; et quod ipsimet possunt fodere turbas in mora sua de Lokton, et ibidem eradicare brueram, et dictas turbas et brueram vendere et dare pro voluntate sua ; et quod ipsi pro se et tenentibus suis debent habere housebote et haibote secundum assisam foreste in communi bosco de Lokton.

Et dicunt quod manerium de Lokton aliquando fuit in seisina cujusdam Alani Malkake in dominico suo ut de feodo, post cujus mortem manerium predictum simul cum aliis terris et tenementis jure hereditario descendebat Alicie, Johanne et ipsi Margarete filiabus et heredibus suis, factaque particione terrarum et tenementorum que

that so he now holds the park and keeps hounds, and he prays that his claim may be allowed. An inquiry is directed and the jury find that Alan exercised these rights without interruption from the date of the grant, and likewise Ralph from the time when he acquired the estate. Judgment is given allowing the claim.

Thomas de Pickering and Margaret, his wife, claim to have a woodward to keep their demesne wood at Lockton, and that no one may lop branches therein or fell any tree without their consent, and that they may fell and give away at pleasure green trees and dry, and give and sell dry trees at pleasure without view of the foresters, and may cut turves in Lockton Moor and uproot heather, and sell and give the turves and heather at pleasure ; and that they ought to have for themselves and their tenants housebote and hedgebote according to the assize of the forest in the common wood of Lockton. They say that the manor of Lockton was once in the seisin of one Alan Malcake, in his demesne as of fee. After his death the manor, with other lands and tenements, descended to his daughters and co-heiresses, Alice,

fuerunt predicti Alani, manerium predictum integre assignatum fuit ipsi Margarete tanquam in purparte sua tenementorum predictorum. Et dicunt quod ipsi et similiter predictus Alanus et omnes antecessores ipsius Alani tenentes manerium predictum a tempore quo non extat memoria usi sunt semper libertatibus predictis in clamiis suis contentis tanquam pertinentibus manerio predicto; et hoc parati sunt verificare prout Curia consideraverit. Et quia videtur Justiciariis quod expediens est et necesse ad inquirendum super premissis rei veritatem antequam ad allocacionem clamii predicti procedatur, ideo inquiretur inde veritas per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores super hoc jurati et onerati dicunt super sacramentum suum quod iidem Thomas et Margareta et omnes antecessores ipsius Margarete tenentes manerium predictum habuerunt wodewardum in bosco suo predicto de Lokton ad illum custodiendum, et similiter foderunt turbas in mora predicta et eradicarunt brueram, et dictas turbas et brueram et siccum boscum habuerunt in bosco predicto et vendiderunt et dederunt pro voluntate sua, et similiter habuerunt pro se et tenentibus predictis housebote et haibote in communi bosco predicto secundum assisam foreste. Ideo quoad hoc consideratum est quod iidem Thomas et Margareta ea habeant et gaudeant sibi et heredibus suis imperpetuum salvo semper jure etc. Et iidem ministri quoad residuum clamii predicti dicunt quod forestarii de feodo a tempore quo non extat memoria tempore hiemali prostraverunt viridum boscum in bosco predicto pro victu ferarum sine licencia sua; et similiter dicunt quod iidem Thomas et Margareta nec aliquis seu aliqui antecessorum ipsius Margarete unquam prostraverunt viridum boscum nisi per visum forestariorum tantum. Ideo super hoc consideratum est quod iidem Thomas et Margareta nichil capiant in hac parte, set sint in misericordia pro falso clamio suo etc.

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Joan and Margaret, and partition having been made, the manor fell to Margaret. They are ready to prove that Alan and his ancestors have from ancient time exercised the rights claimed. An inquiry is directed and the Jury find that Thomas and Margaret and the ancestors of Margaret, while holding the manor, had a woodward in their wood at Lockton to keep it, and likewise cut turves in the moor and uprooted heather, and had the turves, heather and dry wood in the wood, and sold and gave them away at pleasure, and likewise had housebote and hedgebote in the common wood at Lockton for themselves and their tenants. Judgment is therefore given that the claimants succeed on these points. But the Jury say as to the rest of the claim that the foresters of fee have from ancient time in winter felled green hue in the wood without their leave for food for the deer, and likewise that

[306] Thomas de Pikeryng et Margareta uxor ejus clamant quod\* nullus amputet aut prostrare faciat arborem aliqualem in dominico bosco suo de Lokton contra voluntatem suam, nisi forestarii de feodo pro victu ferarum foreste et quod ipsimet per assisam foreste possunt prosternere boscum pro housebote et haibote, et cum prostratum fuerit dare et illud cariare pro voluntate sua. Et dicunt quod ipsi et omnes antecessores ipsius Margarete tenentes manerium de Lokton a tempore quo non extat memoria† in clamio suo contentis, et hoc parati sunt verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores dicunt super sacramentum suum quod predicti Thomas et Margareta et omnes antecessores ipsius Margarete tenuerunt [? tenentes] manerium predictum a tempore quo non extat memoria usi fuerunt hujusmodi libertate quod nullus amputavit aut prosternere fecit aliqualem arborem in dicto bosco suo de Lokton contra voluntatem suam nisi forestarii de feodo pro victu ferarum et quod ipse per assisam foreste prostraverunt boscum pro housebote et haibote et cum prostratum fuisset dederunt illud et cariarunt pro voluntate sua, prout iidem Thomas et Margareta superius clamant. Ideo consideratum est quod iidem Thomas et Margareta easdem libertates in clamio suo predicto contentas habeant et gaudeant sibi et heredibus suis imperpetuum salvo semper jure etc.

Abbas‡ de Rievaille clamat in maneriis suis de Kekmareys, Lund, Neustede, Loftmareys cum pertinenciis suis domos et bercarias edificare et terras in maneriis predictis pro voluntate sua in culturam

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neither Thomas nor Margaret nor any of the ancestors of Margaret ever felled green hue except only at view of the foresters. Therefore judgment is given that the claimants fail as to this.

The same claimants claim that no one may cut branches or fell any tree within their demesne wood at Lockton against their will, except the foresters of fee for food for the deer of the forest, and that they may fell wood for housebote and hedgebote according to the assize of the forest, and when it is felled may give and carry it away at pleasure. They say that they and all the ancestors of Margaret have exercised these rights from time immemorial, and the Jury find that such is the case. Judgment is given allowing the claim.

The Abbot of Rievaulx claims the right of building houses and sheepfolds and of bringing land into cultivation within the manors of Kekke Marishes, Lund, Newstead, and Loft Marishes; and that no

\* Having failed in their first claim, the claim is amended and eventually allowed.

† Certain words are omitted here which it is not difficult to supply.

‡ This is the later claim referred to at p. 90, *ante*. See also Surtees Society, Vol. LXXXIII, p. 415, where the Patent Rolls are copied.

redigere et exercere; et eciam quod nullus minister aut alius forestarius se quicquam in maneriis predictis intromittat, nisi\* tantum de venacione, preter ipsum Abbatem et ministros suos; et eciam agistare pro voluntate sua in maneriis predictis. Et quoad hoc, quod clamat in maneriis suis domos et bercarias edificare, et terras in predictis maneriis pro voluntate sua in culturam redigere et exercere, (et) dicit quod quidam Abbas, predecessor suus, qui jam obiit durante itinere isto, alias† posuit clamium predictum et dicit‡ quod dominus Henricus, quondam Rex Anglie, progenitor domini Regis nunc, dedit et carta sua confirmavit Deo et Sancte Marie et Ecclesie sue de Rievallie et Monachis ibidem Deo servientibus pro anima gloriosi Regis Henrici, avi sui, et pro anima patris sui et matris sue et fratrum suorum (et pasturam subtus Pikeryng cum pertinenciis suis)§ et anime sue et filiorum suorum in liberam puram et perpetuam elemosinam totum vastum suum et totam pasturam subtus Pikeryng cum pertinenciis suis, in quo quidem vasto maneria predicta modo situata sunt, in pratis et pasturis, in aquis et piscariis et molendinis, et in omnibus aliis rebus, per certas metas in eadem carta contentas; concessit eciam quod infra ipsas divisas domos et bercarias ibidem edificent et terram suam ibidem colere et exercere pro voluntate sua, et pretendit hoc verificare prout Curia consideraverit, et postmodum per ministros ipsius foreste compertum fuit quod idem Abbas et omnes predecessores sui loci predicti semper a tempore donacionis et confirmacionis carte predictae, virtute ejusdem, usi fuerunt [306 b] domos et bercarias ibidem edificare et terram suam ibidem colere et exercere pro voluntate sua, per quod consideratum fuit quod idem Abbas

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forester or other officer, but only the Abbot and his officers, has any right to intermeddle therewith, except only with regard to game; he likewise claims the right of agisting. He says that his predecessor, who died since the commencement of the Eyre, on another occasion made his claim on the ground that King Henry II. granted in frankalmoign to the Church of St. Mary and monks of Rievaulx, for the souls of his grandfather Henry I. and of himself, his father, mother, brothers and sons, the whole waste and pasturage below Pickering, in which waste the said manors are now situated, together with the meadows, pastures, waters, fisheries and mills, according to the boundaries specified in the deed of gift. He also granted to them the right within these boundaries of building houses and sheep-folds and bringing land into cultivation at their pleasure. The late

\* Inserted by a later hand. † P. 90, *ante*. ‡ *Dixit* in Patent Roll.

§ In the *Duchy Coucher* the word *vacat* in a later hand is written over these words, which do not occur in the Patent Rolls.

libertatem predictam haberet et gauderet sibi et successoribus suis imperpetuum, etc, et de hoc vocat recordum rotulorum istius itineris, etc. Et inspectis rotulis predictis hoc idem compertum est in eisdem. Ideo idem Abbas quoad hoc inde sine die, salvo semper jure, etc. Et quoad clamium quod idem Abbas qui nunc est facit quod nullus minister foreste aut alius forestarius se quicquam in maneriis predictis intromittat, excepto tantum de venacione, preter ipsum Abbatem et ministros suos, et quod agistere possit pro voluntate sua in eisdem dicit quod idem dominus Henricus, quondam Rex Anglie, progenitor domini Regis nunc, per cartam suam predictam quam hic profert, prohibuit ne aliquis infra predictas metas cum averiis intrare vel turbam fodere vel in aliqua re se intromittere nullo modo presumeret sine licencia et voluntate eorum super forisfacturam suam, et quod hec omnia optinerent in liberam elemosinam, bene et in pace, honorifice, integre et plenarie, sicut Rex Henricus avus ipsius Regis ea tenuit in dominico suo die quo fuit vivus et mortuus, libera et quieta de omni terreno servicio, virtute cujus carte Abbas qui nunc est et similiter omnes Abbates loci predicti, predecessores sui, semper a tempore confeccionis ejusdem carte usi sunt hujusmodi libertatibus, quod nullus minister foreste de Pikeryng aut alius forestarius quicumque, se quicquam in maneriis predictis intromittat, preter ipsum Abbatem et ministros suos, et similiter quod agistare possit averia quecumque in maneriis predictis infra vastum predictum pro voluntate sua: et hoc paratus est verificare per ministros ejusdem foreste prout Curia etc. Ideo inquiretur inde veritas per eosdem etc. Qui scilicet forestarii, viridarii et regardatores, super hoc onerati et jurati, dicunt super sacramentum suum, quoad clamium quod idem Abbas facit quod nullus minister foreste aut alius forestarius quicumque se quicquam in maneriis predictis intromittat preter ipsum Abbatem et ministros suos,

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Abbot attempted to prove this, and the verdict of the jury was in his favour; judgment, therefore, was given that his claim should be allowed. The rolls of the Eyre having been searched, and the statement of the present Abbot found correct, his claim is allowed.

He further pleads that Henry II., by deed which he produces, forbade any one entering within the boundaries of the monks with beasts, or cutting turves, or intermeddling in any manner without license, on penalty of forfeiture; and that they obtained the lands in frankalmoign, well, peaceably, honestly, wholly and fully as King Henry I. held them in demesne on his deathbed, free and quit of all lay service, by virtue whereof he and his predecessors from the date of the grant have enjoyed these liberties that no officer of Pickering Forest or other forester, except only the Abbot and his officers, inter-

quod ministri foreste predicte, a tempore quo non extat memoria, se intromiserunt in maneriis predictis tam de regardo et leporibus ibidem captis, quam de venacione. Ideo quoad hoc consideratum est quod idem Abbas nichil capiat per clamium suum in hac parte, set sit in misericordia pro falso clamio suo. Et quoad clamium suum quod agistare in maneriis predictis debet pro voluntate sua, dicunt iidem ministri quod Abbas qui nunc est, et similiter omnes Abbates loci predicti, predecessores predicti Abbatis qui nunc est, a tempore confectionis carte predictae et virtute ejusdem usi sunt agistare in maneriis predictis pro voluntate sua prout superius clamat. Ideo consideratum est quod idem Abbas eat inde sine die,\* salvo semper jure etc.

Abbas de Rievallae clamat esse quietus in maneriis suis de Marreys —scilicet, Loftmarreys, Lund, Neusted et Kekmarreys de expeditatione canum, et de omnibus aliis assisis foreste, preter de venacione, regardo et capcione leporum : et dicit quod idem dominus Henricus, quondam Rex Anglie, progenitor domini Regis nunc, dedit et carta [307] sua confirmavit Deo et Sancte Marie et Ecclesie sue de Rievallae et monachis ibidem Deo servientibus pro anima gloriosi Regis avi sui et pro anima patris sui et matris sue et fratrum suorum et anime sue et filiorum suorum in liberam puram et perpetuam elemosinam totum vastum suum et totam pasturam suam subtus Pikeryng cum pertinentiis suis ; in quo quidem vasto maneria predicta modo situata sunt, in pratis et pasturis, etc, et in omnibus aliis rebus per certas metas in eadem carta contentas, hec optinenda in liberam elemosinam etc, et

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meddles with the manors, and likewise that he may agist at pleasure in the manors within the waste. An inquiry is directed, and it is found that the officers of Pickering Forest, from time immemorial, have intermeddled with the manors, as well in holding a regard and preventing the taking of hares as with respect to game. Therefore judgment is given that the Abbot fail in this claim. The jury further say that the present Abbot and his predecessors, from the date of the grant, have been accustomed to agist at pleasure in the manors, as he claims above. Therefore this claim is allowed.

The Abbot of Rievaulx claims to be quit in his manors of the Marishes, namely, Loft Marishes, Lund, Newstead, and Kekke Marishes, of the lawing of dogs, and of all other assises of the forest, except those relating to game, regards, and hare-hunting. He says that Henry II. granted to the monks of Rievaulx in frankalmoign the whole waste and pasture below Pickering in which the manors are now situated, free of tementale, danegeld, and all aids, assises, gelds,

\* The Patent Rolls have here, *illud clamium habeat et gaudeat sibi et successoribus suis impertuum.*

quieta de omni tementale,\* danegelda et omnibus auxiliis et assisis et geldis, et omnibus consuetudinibus et occasionibus et placitis, et de omni servicio terreno quod sibi et successoribus suis unquam pertinuit per cartam predictam quam hic profert et que hoc testatur; et dicit quod virtute carte predicte ipse et omnes Abbates loci predicti predecessores sui semper a tempore confecionis carte predicte hucusque quieti fuerunt in maneriis predictis de expeditacione canum et de omnibus aliis assisis foreste predicte; et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem etc. Qui scilicet forestarii, viridarii et regardatores ad hoc onerati et jurati dicunt super sacramentum suum quod a tempore quo non extat memoria semper presentatum fuit ad attachiamenta istius foreste de canibus predicti Abbatis et predecessorum suorum in maneriis suis del Marreis non expeditatis, et aliquando ministri ejusdem foreste accesserunt ibidem ad canes predictos videndos, set idem Abbas nec aliquis predecessorum suorum unquam aliquid solverunt seu finem fecerunt cum eis pro ipsis non expeditatis, et licet idem Abbas vel predecessores sui amerciati fuissent hac de causa, tamen aliquando per donum† suum custodi castri vel ejus locum tenenti qui pro tempore fuerit datum, et aliquando per favorem eorundem nichil solverunt.

Ideo‡ dictum est eidem Abbati quod expectet inde iudicium suum hic die Lune proximo post mensem Pasche. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de

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customs, prosecutions, pleas and lay services towards himself and his successors. He produces the deed and vouches its contents. He is ready to prove that he and all former Abbots have by virtue thereof enjoyed the quittances claimed. An inquiry is directed, and it is found that from time immemorial presentments have always been made at the Attachment Courts with regard to the dogs of the Abbots in the manors of the marishes not being lawed, and at times the officers of the forest have gone there to view the dogs, but neither the Abbot nor any of his predecessors ever paid a fine or made a composition for not lawing them. Even though they were fined, sometimes by bribing the keeper of the Castle or his lieutenant, and sometimes by their goodwill, they never paid the fine. Judgment is reserved until Monday,

\* This word, which is a corruption of *tien man tale*, originally implied that ten men were to be sureties one for the other, a later development of which was the law that every man was to be in a tithing. Afterwards it appears to have been the name for a tax of 2s. on every carucate; see Roger Hoveden, ann. 1194, p. 737. Du Cange, *s.v. Tenmantale*, suggests that most probably the tithing, as a whole, was liable for the tax imposed on its several members.

† For an instance of such a gift being accounted for, see Vol. II., N.S., p. 26.

‡ The verdict of the jury must have been given on March 13, 1335.

Hambury justiciariis etc, venit predictus Abbas per attornatum suum et super hoc datus est eis [?ei] dies hic die Martis proximo post tres septimanas Sancti Michaelis de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wilughby et Johanne de Shardelowe venit predictus Abbas per attornatum suum, et super hoc datus est eis dies hic die Jovis proximo post octabas Purificacionis beate Marie de iudicio suo inde audiendo. Ad quem diem apud Pikeryng coram predicto Johanne de Hambury venit Ricardus de la Pole et protulit breve domini Regis patens, quod alibi irrotulatur, per quod breve dominus Rex constituit ipsum Ricardum loco predicti Johannis de Shardelowe ad itinerandum in foresta ista simul cum aliis Justiciariis, duobus vel uno eorum. Mandavit etiam dominus Rex quoddam breve clausum prefatis Justiciariis, duobus vel uni eorum de ipso Ricardo de la Pole in socium [loco] predicti Johannis de Shardelowe admittendo quod similiter alibi irrotulatur: virtute cuius brevis predictus Johannes de Hambury admisit predictum Ricardum de la Pole loco predicti Johannis de Shardelowe in socium ad premissa [307b] facienda etc. Et predictus Abbas venit per attornatum suum: et datus est ei dies hic etc, die Mercurii proximo post festum Ascensionis Domini de iudicio suo in hac parte audiendo. Ad quem diem loquela predicta remansit sine die per absenciam Justiciariorum etc. Postea dominus Rex mandavit prefato Ricardo de Wylughby, Roberto de Hungerford, Johanne de Hambury et Ricardo de la Pole breve suum de itinere predicto resumendo, quod quidem breve alibi in isto itinere irrotulatur: ita quod placita et processus ejusdem itineris inchoata et non discussa essent hic ad hunc diem etc, scilicet die Lune proximo post festum Sancti Andree Apostoli anno regni domini Regis nunc decimo, in eodem statu in quo fuerunt predicto die Mercurii post festum Ascensionis Domini proxime preterito apud Pikeryng quo die remanserunt sine die per absenciam

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15 May, 1335, and afterwards until Tuesday, 31 October, 1335, and then until Thursday, 15 February, 1336, when Richard de la Pole was, as stated at p. 70, appointed a Justice in the place of John de Shardelowe. Judgment was then reserved until Wednesday, 22 May, 1336, on which day all the pleas and other proceedings abated in consequence of the absence of all the Justices.

Afterwards the King, as stated at p. 71, directed the Eyre to be revived, and the Abbot was summoned on Monday, 2 December, 1336. Judgment was then given that, having regard to the quittances which the Abbot and his predecessors had enjoyed by virtue of the grant from King Henry II., in the waste and pasture beneath Pickering, in which the manors are situated, and having regard to the fact that they



Justiciariorum predictorum alibi de mandato Domini Regis existencium, ad procedendum ulterius etc., prout etc. Et modo apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis predicto die Lune proximo post festum Sancti Andree venit predictus Abbas resumonus in propria persona sua et petit iudicium super veredicto clamii sui predicti. Et quia manifeste liquet Curie per cartam domini Regis Henrici predictam quod idem Abbas et omnes Abbates loci illius predecessores predicti Abbatis qui nunc est, quieti esse debent in vasto et pastura subtus Pikeryng, in quibus maneria predicta modo situata sunt, de omnibus geldis, consuetudinibus et placitis, et de omni terreno servicio et omnibus aliis assisis foreste que geldabiles censentur, tam de expeditacione canum quam de aliis geldis quibuscumque; et compertum est per ministros istius foreste quod nec Abbas qui nunc est, nec aliquis predecessorum suorum unquam aliquid solverunt alicui, sive Regi sive Comiti qui pro tempore fuerit, a tempore confeccionis carte predictae, sive finem fecerunt pro canibus suis ibidem non expeditatis, et dominus Rex per breve suum mandavit prefatis Justiciariis hic quod ipsi ipsum Abbatem de huiusmodi expeditacione canum infra metas et divisas vasti et pasture predictarum quietum esse permittant, prout inde quietius [?] quietus] esse debet, et ipse et predecessores sui, Abbates loci predicti, a tempore confeccionis carte predictae inde quieti esse conueverunt: consideratum est quod idem Abbas eat inde sine die, salvo semper jure, etc.

Abbas de Rievale clamavit habere piscariam pro voluntate sua in aqua de Costa a loco ubi le Freredyk supra Belynause cadit in Costam descendendo usque ad locum ubi le Lowndyke cadit in Costam; et dicit quod ipse et omnes predecessores sui, Abbates ejusdem loci, a tempore quo non extat memoria, piscati fuerunt in aqua predicta per divisas predictas, tanquam in communi suo qui pertinet ad liberum tenementum suum que est terra hidata de Kekmarreys et Neustede, et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et

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had never paid any fine to King or Earl since the date of the grant, or made any composition for not lawing their dogs, and since the King had by writ commanded the Justices to acquit the Abbot of such lawing of their dogs within the metes and bounds of the waste, as he ought to be, and as he and his predecessors have ever been from the date of the grant, the claim of the Abbot was allowed.

The Abbot of Rievaulx claims a free fishery in the Costa, from the spot where the Friardyke, above Belynause, falls into the Costa, down to the spot where the Lowndike falls into the Costa. He is ready to

regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod Abbas qui nunc est et similiter omnes Abbates loci predicti, predecessores sui, a tempore quo non extat memoria piscati fuerunt in aqua predicta de Costa per divisas predictas, ut in communi suo pertinenti ad liberum tenementum suum que est terra hidata [308] in Loftmarreys et Neustede, prout idem Abbas supponit. Ideo idem Abbas eat inde sine die salvo semper jure etc.

Adam de Bryniston clericus clamat esse quietus de pannagio porcorum suorum in Foulwode et Haiburn infra limites foreste omni tempore anni, et dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria racione terrarum et tenementorum que habet in villa de Bryniston, que sunt francum feodum, quiete fuerunt de pannagio ut pertinente ad liberum tenementum suum predictum, et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod idem Adam et omnes antecessores sui a tempore quo non extat memoria racione terrarum et tenementorum suorum predictorum fuerunt quieti de pannagio, scilicet per quindecim dies ante festum Sancti Michaelis annuatim usque festum Sancti Martini in hyeme tanquam pertinente ad terras et tenementa sua predicta; set dicunt quod nec ipse nec aliquis antecessorum suorum, nec aliqui tenentes ejusdem ville, sive fuerunt de franco feodo sive de socagio, unquam fuerunt quieti de pannagio mense defenso. Ideo consideratum est quod ipse Adam de pannagio porcorum suorum per quindecim dies ante festum Sancti Michaelis et sic usque festum Sancti Martini sit quietus, salvo semper jure etc.; et quoad residuum clamii sui nichil capiat in hac parte set sit in misericordia pro falso clamio suo etc.

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prove that he and all former Abbots have from time immemorial fished in the stream between the boundaries mentioned as a common of fishery appurtenant to his geldable land of Kekkmarsh and Newstead. An inquiry is directed, and it is found to have been so. The claim is allowed.

Adam de Burniston claims to be quit of pannage for his pigs in Fullwood and Hayburn within the forest. He is ready to prove that, in virtue of his lands of frank fee tenure which he holds in Burniston, he and his ancestors from time immemorial have been so quit. An inquiry is directed, and it is found that Adam and his ancestors have been quit of pannage from the 14th of September up to Martinmas. But the Jury say that neither he nor any of his ancestors, nor any tenants of the township, whether of frank fee or of socage tenure, have ever been quit of pannage in the fence month. Judgment is given in accordance with the verdict.

Prior Hospitalis Sancti Johannis Jerusalem in Anglia et Fratres Hospitalis predicti clamant quod ipsi et eorum homines habeant et teneant omnes possessiones et elemosinas suas subscriptas, videlicet quod bosci eorum ad aliqua opera Regis nullo modo capiantur. Et quod ipsi libere et sufficienter sine qualibet occasione capere possint de omnibus boscis suis ad usus domus sue quicumque [? quandomcumque] voluerint, nec propter hoc in forisfactura de vasto vel in misericordia ponantur. Et quod omnes terre et assarta sua et hominum suorum sint quieta de vasto et riguardo et de visu forestariorum et de omnibus aliis consuetudinibus. Et quod iidem Fratres de omnibus boscis suis quos habent infra metas foreste possint assartare et excolere sine licencia Regis vel heredum suorum vel ballivorum suorum; ita quod inde in nullo ab ipso Rege vel heredibus suis aut ballivis eorum occasionentur. Et quod ipsi Fratres et homines sui proprii quieti sint de expeditacione canum suorum imperpetuum. Et si aliquis hominum suorum sit amerciatius erga dominum Regem vel ballivos suos pro quacumque causa vel delicto misericordie et amerciamenta sint ipsorum Fratrum. Et dicit quod dominus Henricus quondam Rex Anglie, proavus domini Regis nunc, per cartam suam concessit et confirmavit Deo et beate Marie et Sancto Johanni et Fratribus Hospitalis Sancti Johannis Jerusalem in Anglia libertates predictas in clamio predicto contentas, quas quidem concessionem et confirmacionem dominus Rex\* nunc recitando eas per cartam suam eisdem Priori et Fratribus concessit et confirmavit; unde dicunt quod virtute carte predictae ipsi Prior et

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The Prior of the Knights Hospitallers makes the following claim for himself and the Brethren:—That their woods may not be taken for Royal works; that they may freely and in sufficient quantities take out of their own woods, whenever they please, wood for the use of their own house, without hindrance, and not incur forfeiture for waste, or be amerced on account of so doing; that all lands and assarts belonging to them and their men are quit of waste, of regard, of view of the foresters and of all other customs; that the Brethren can assart and cultivate without the leave of the King, his heirs or bailiffs, all the woods that they hold within the bounds of the forest; that the Brethren and their own men are for ever quit of lawing of dogs; and if any of their men are amerced to the King or his bailiffs for any

\* Pat. Rolls, 6 Ed. III., pt. 1, m. 5 [Calendar, p. 274], April 15. *Inspeximus* of a charter under the old seal dated 15 August, 1 Edw. III., being an *inspeximus* of a charter dated 12 July, 37 Henr. III., confirming the liberties of the *Templars*, and a confirmation of the same to the *Hospitallers*. This is not the confirmation in the text, unless we are to assume some inaccuracy in the latter, but it may have been contemporaneous.

Fratres qui nunc sunt et similiter omnes Priores et Fratres [308b] predecessores sui etc. semper a tempore confeccionis carte predicti Regis Henrici etc. libertatibus predictis plene et integre sine interruptione usi sunt et gavisii, et hoc parati sunt verificare per omnes ministros foreste etc, et petunt quod libertates predictae eis in hac parte allocentur. Et quia videtur Justiciariis quod expediens est et necesse ad inquirendum per ministros predictos qualiter predicti Prior et Fratres libertatibus predictis usi sunt, ideo inquiretur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati et onerati dicunt super sacramentum suum quod predicti Prior et Fratres et successores sui Hospitalis predicti, quoad hoc quod clamant quod bosci eorum ad opera Regis nullo modo capiantur, et quoad hoc quod ipsi libere et sufficienter sine qualibet occasione capere possint de omnibus boscis suis ad usus domus sue quancumque voluerint, nec propter hoc in forisfactura de vasto vel in misericordia ponantur, **semper** a tempore confeccionis carte predictae predicti Regis Henrici et sine interruptione in foresta ista plene et integre usi sunt et gavisii prout superius clamant. Et quoad hoc quod clamant quod omnes terre et assarta sua et hominum suorum sunt quieti de vasto et regardo et de visu forestariorum et de omnibus aliis consuetudinibus iidem ministri dicunt quod iidem Prior et Fratres semper a tempore confeccionis carte predictae de hiis omnibus in isto clamio contentis usi sunt in foresta predicta, excepto tantum quod forestarii ejusdem foreste facient visum de venacione domini, cum contigerit eam capi vel aliquialiter mortuam inveniri in boscis et terris suis infra forestam. Et quoad hoc quod iidem Prior et Fratres clamant quod ipsi de omnibus boscis suis quos habent infra metas foreste possunt assartare et excolere sine licencia Regis vel heredum suorum vel ballivorum suorum, ita quod inde in

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cause or wrong whatsoever, the fines and amerçements belong to the Brethren. They are ready to prove that King Henry III. by deed granted and confirmed to the Brethren of St. John of Jerusalem the liberties thus claimed, which grant Edward III. inspected and confirmed, and they pray that their claims may be allowed. An inquiry as to the user of the liberties is directed, and it is found that the Prior and Brethren have from the date of the grant of King Henry III. enjoyed without interruption the two liberties first claimed. As to the next liberties, the Jury say that the Prior and Brethren have enjoyed them also, except only that the foresters make view of the Earl's game, when it happens that the same are taken or found dead in their woods or lands within the forest. They have also enjoyed the liberties claimed of assarting and cultivating land, and of being quit of the lawing of their dogs; but as to the claim to have the amerçements and

nullo ab ipso Rege vel heredibus suis aut ballivis eorum imperpetuum occasionentur, et ipsi et homines sui quieti sint de expeditacione canum suorum imperpetuum, dicunt similiter iidem ministri quod ipsi Prior et Fratres libertatibus predictis semper a tempore confeccionis carte predicte sine interrupcione usi sunt et gavisí. Et quoad hoc quod clamant quod si aliquis hominum suorum sit amerciatus erga dominum Regem vel ballivos suos pro quacumque causa vel delicto, misericordie et amerciamenta sunt ipsorum Prioris et Fratrum, dicunt eciam iidem ministri quod cum contigerit quod wodewardus ipsorum Prioris et Fratrum non venerit ad attachiamenta foreste, prout alii wodewardi diversorum dominorum in foresta predicta veniunt, ipse wodewardus semper consuetus est amerciari ibidem et amerciamentum inde ad opus domini Comitis levári, sicut et de aliis wodewardis qui non venerunt et fuerunt amerciati. Ideo quoad hoc et similiter quod forestarii facient visum de venacione domini dictum est eisdem Priori et Fratribus quod expectent inde iudicium suum die Lune proximo post festum Sancti Gregorii Pape etc. Et similiter quod iidem Prior et Fratres quoad omnia alia in clamio suo contenta eant inde sine die, salvo semper jure etc. Ad quem diem venit predictus Prior ; et quia compertum est quod forestarii facient visum de feris captis vel mortuis infra boscos suos, et quod wodewardus eorum amercietur si non venerit ad attachiamenta, ideo [309] iidem Prior et Fratres quoad hoc nichil capiunt, set sint in misericordia pro falso clamio suo.

Prior Hospitalis Sancti Johannis Jerusalem in Anglia et Fratres Hospitalis predicti clamant de terris et tenementis que fuerunt Magistri et Fratrum ordinis Milicie Templi in Anglia tempore cessacionis et adnullacionis ejusdem quod bosci eorum ad aliqua opera

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finés of their men, the Jury say that whenever it happened that the woodward of the Prior and Brethren did not appear at the Court of Attachments, as other woodwards of other lords of manors within the forest did, such woodward was always fined, and the fines levied for the use of the Earl, as were the other fines on the other woodwards who did not appear. Judgment is therefore reserved until the 13 March, 1335, upon the questions of the fines so claimed and the view of the foresters, and the rest of the claims are allowed. Judgment is afterwards delivered to the effect that inasmuch as it has been found that the foresters make view of deer taken or found dead within the Prior's woods, and that his woodwards are fined if they do not appear at the Court of Attachments, the claims as to these matters are disallowed.

The same Prior and Brethren also claim that the woods appurtenant to the lands which formerly belonged to the Templars before the

Regis nullo modo capiantur, et quod ipsi libere et sufficienter sine qualibet occasione capere possint de omnibus boscis suis ad usus domus sue quancumque voluerint, nec propter hoc in forisfactura de vasto vel in misericordia ponantur; et quod omnes terre et assarta sua et hominum suorum sint queta de vasto et regardo et visu forestariorum et de omnibus aliis consuetudinibus; et quod ipsi de omnibus boscis suis quos habent infra metas foreste possunt assartare et excolere sine licencia Regis vel heredum suorum vel ballivorum suorum, ita quod inde in nullo ab ipso Rege vel heredibus suis aut ballivis eorum imperpetuum occasionentur; et quod ipse et homines sui proprii quieti sint de expeditacione canum suorum imperpetuum; et quod si aliquis hominum suorum sit americiatus erga dominum Regem vel ballivos suos pro quacumque causa vel delicto misericordie et americiamenta sint ipsorum Prioris et Fratrum: et dicunt quod dominus Henricus quondam Rex Anglie proavus domini Regis nunc per cartam suam concessit et confirmavit Deo et beate Marie et Fratribus ordinis Milicie Templi Salomonis libertates predictas in clamio suo contentas; virtute cujus concessionis iidem Magistri et Fratres ante adnullacionem ordinis predicti usi fuerunt libertatibus et quietanciis predictis et gavis, et dicunt quod post cessacionem et adnullacionem ordinis predicti dominus E. quondam Rex Anglie, pater domini Regis nunc, de assensu Prelatorum, Comitum et Baronum, Procerum et aliorum de regno suo ad Parliamentum suum apud Westmonasterium a die Purificacionis beate Marie in tres septimanas anno regni sui septimo decimo convo-

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suppression of the order are not to be taken for Royal works; that they may freely and in sufficient quantities take out of such woods, whenever they please, wood for the use of their house without hindrance and not incur forfeiture for waste or be amerced for so doing; that all lands and assarts belonging to them and their men are quit of waste, of regard, of view of the foresters, and of all other customs; that the Brethren can assart and cultivate without the leave of the King, his heirs or bailiffs, all the woods that they hold within the bounds of the forest; that the Brethren and their own men are for ever quit of lawing of dogs; and if any of their men are amerced to the King or his bailiffs for any cause or wrong whatsoever, the fines and ameracements belong to the Brethren. They are ready to prove that King Henry III. by deed granted to the Brethren of the Temple the liberties thus claimed which were enjoyed by virtue of the grant up to the time of the suppression of the order. After the suppression Edward II., with the assent of the Prelates, Earls, Barons, Nobles, and others assembled in Parliament at Westminster, on 23 February, 1324, granted by deed to the Prior and Brethren of the Hospital all

catorum, concessit et confirmavit tunc Priori Hospitalis, predecessori Prioris qui nunc est, et Fratribus predictis omnes possessiones, jura, advocaciones ecclesiarum, libertates, quietancias et liberas consuetudines quascumque iidem Fratres ordinis predicti ante cessationem et adnulationem ordinis predicti habuerunt, recitando libertates et quietancias predictas, [? per cartam suam] eisdem Priori et Fratribus confectam quam hic profert et que hoc testatur. Et dicunt quod virtute carte predictae ipse et similiter predicti Priores et predecessores sui semper a tempore confeccionis carte predictae Regis E. patris etc. libertatibus predictis plene et integre sine interruptione usi fuerunt et gavis, et hoc parati sunt verificare per omnes ministros etc. Et Henricus de Duffield qui pro domino Comite sequitur in hac parte dicit quod predicti Prior et Fratres hujusmodi libertates et quietancias ratione preallegacionis habere non debent, quia dicit quod prefatus dominus H. quondam Rex Anglie proavus domini Regis nunc in honore, castro et foresta de Pikeryng,\* et postea per cartam suam dedit, concessit et confirmavit Edmundo filio suo, nuper Comiti Lancastrie, patri Comitum nunc cujus heres ipse est, predicta honorem, castrum et forestam cum omnibus juribus et pertinenciis quibuscumque, tenenda eidem Edmundo et [309b] heredibus suis de corpore suo procreatis imperpetuum. Virtute cujus doni idem Edmundus seisitus fuit de eisdem et inde obiit seisitus; post cujus mortem honor, castrum et foresta predicta descenderunt Thome, filio Edmundi predicti, ut filio et heredi ipsius Edmundi. Et postea idem Thomas manerium de Foukebrigg quod est infra forestam istam, et quod fuit ipsorum Magistri et Fratrum, et ad quod predicti Prior et Fratres clamant hujusmodi

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the possessions, rights, advowsons, liberties, quittances, and free customs whatsoever that the Templars had before their suppression. The deed is produced, and its contents vouched. They are ready to prove that by virtue thereof all Priors from the date thereof have enjoyed the liberties claimed without interruption. Henry de Duffield [? Driffield], who sues for the Earl in this behalf, demurs to the claim on the ground that Henry III. granted the honour, castle, and forest of Pickering to his son Edmund, late Earl of Lancaster, and the heirs of his body for ever. Earl Edmund was by this gift seised and died seised; after his death, the honour, castle, and forest descended to Earl Thomas as his son and heir. Afterwards Earl Thomas granted the manor of Foulbridge within the forest, which formerly belonged to the Templars, and in respect of which the Hospitallers claim the liberties and quittances, to one John de Dalton for life, the reversion to the Earl and his heirs, of which reversion the Earl died seised, and

\* The sense requires a verb, which has evidently been omitted.

libertates et quietancias spectantes dedit cuidam Johanni de Dalton tenendum ad terminum vite ipsius Johannis per cartam suam, reversione ejusdem manerii eidem Thome et heredibus suis spectante, qui quidem Thomas sic de reversione predicta obiit seisitus. Et quia obiit sine herede de corpore suo procreato, predicta honor, castrum et foresta simul cum reversione predicta descendebant ipsi Henrico, ut fratri et heredi predicti Thome per formam doni predicti. Et dicit quod post tempus adnullacionis et cessacionis ordinis predicti terre, tenementa et possessiones quecumque que fuerunt Magistri et Fratrum semper fuerunt in manibus ipsorum Thome et Henrici tanquam escaeta sua, quo\* tempore libertates et quietancie predicte omnino extincte fuerunt. Unde petit iudicium si iidem Prior et Fratres hujusmodi libertates et quietancias pertinentes ad terras et tenementa que de jure communi tanquam dominica nostra et hereditarie ipsi descendebant per aliquod factum Regis gaudere valeant in hac parte.

Et predicti Prior et Fratres dicunt quod ipsi precludi non debent, quia dicunt quod ex quo ipsi de terris, tenementis et possessionibus ad que hujusmodi libertates et quietancie debent pertinere virtute carte predicte, ut superius asserunt, sunt seisiti. Et dominus Rex per cartam suam concessit eis in pleno Parlamento suo de assensu Prelatorum, Comitum et Baronum et aliorum Procerum quod ipsi hujusmodi libertates et quietancias quibus Magistri et Fratres ante adnullacionem et cessacionem ordinis predicti seisiti fuerunt et gavisii, habeant et teneant sibi et successoribus suis imperpetuum. De quibus idem Magister et Fratres ante adnullacionem et cessacionem ordinis predicti seisiti fuerunt, et ipsi similiter a tempore confeccionis carte predicte ipsis ut predicatur facte seisitus est [*sic*], prout parati sunt verificare per ministros foreste predicte, vel aliter prout Curia etc., unde petunt iudicium etc. Et super hoc datus est dies tam prefatis Priori et

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as he died without leaving any heir of his body, the honour, castle, and forest, together with the reversion, descended to Earl Henry his brother and heir of entail. After the suppression of the Templars, their lands, tenements, and possessions remained always as escheats in the hands of the Earls Thomas and Henry, at which time the liberties and quittances were entirely extinguished. Wherefore he prays judgment whether by any deed of the King the Hospitallers can enjoy the liberties and quittances which by common law and of right of inheritance descended to the Earl as their own demesnes. The Prior and Brethren reply that this is no bar, because from the date of the King's deed they were seised of the lands to which the liberties and acquittances ought to be appurtenant; and the King by the deed expressly

\* An anticipation of the doctrines of merger and extinction.



Fratribus per prefatum Simonem Faukener attornatum quam prefato Henrico usque diem Lune proximum post festum Sancti Gregorii Pape apud Pikeryng coram prefatis Justiciariis etc., de audiendo inde iudicio suo etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus; et deinde datus est eis dies usque diem Lune proximum post mensem Pasche apud Pikeryng coram prefatis Justiciariis de audiendo inde iudicio suo. Ad quem diem apud Pickeryng coram prefatis Ricardo de Wilughby et Johanne de Hambury Justiciariis venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus; et deinde datus est eis dies usque diem Martis proximum post tres septimanas Sancti Michaelis apud Pikeryng coram prefatis Justiciariis etc, de audiendo [310] inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Shardelowe venerunt tam predicti Prior et Fratres per attornatum suum quam predictus Henricus; et deinde datus est eis dies apud Pikeryng coram prefatis Justiciariis usque diem Jovis proximum post octabas Purificacionis beate Marie [there follows a repetition of what has already been printed at p. 138, *ante*, in the case of the Abbot of Rievaulx] [310b]. Ad quem diem Lune proximum post festum Sancti Andree Apostoli apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus, per breve domini Regis sub testimonio predicti Ricardi de Wylughby prout etc. resummoniti, et deinde datus est eis inde dies usque diem Lune in secunda septimana Quadragesime de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus, et deinde datus est eis inde dies usque diem Lune proximum post festum Sancti Mathei Apostoli de audiendo inde iudicio suo etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury etc. venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus, et deinde datus est

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granted to them all the liberties and quittances of which the Templars were seised before their suppression, and these were liberties of which the Templars were so seised before their suppression, and since the grant they have been likewise seised. Judgment was reserved on each of the several sittings of the Court already mentioned, on the last of which, namely, Tuesday, 15 Sept., 1338, as the Court was not yet prepared to give judgment, the matter was adjourned until 3 Nov.

eis inde dies usque diem Luné proximum post festum Dominice in Ramis Palmarum apud Pikeryng de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus et deinde datus est eis inde dies usque diem Martis proximum post festum Exaltacionis Sancte Crucis de audiendo inde iudicio etc.

Postea apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury, etc., venerunt tam predicti Prior et Fratres per attornatum suum predictum quam predictus Henricus. Et quia predicti Justiciarii nondum avisantur ad iudicium inde reddendum datus est eis dies coram Domino Rege in crastino Animarum ubicumque, etc., de audiendo breve de [311] venire faciendo recordum tunc ibidem ad diem predictum [*sic*]. Postea dominus Rex mandavit prefato Ricardo de Wylughby breve suum clausum in hec verba; Edwardus Dei gracia Rex Anglie dominus Hibernie et dux Aquitannie dilecto et fideli suo Ricardo de Wylughby salutem. Cum vos et socii vestri, Justiciarii nostri, ad placita foreste in foresta Henrici Comitis Lancastrie de Pikeryng in comitatu Eboracensi tenenda assignati omnia clania de diversis libertatibus per dilectos nobis in Christo Priorem et Fratres Hospitalis Sancti Johannis Jerusalem in Anglia racione terrarum et tenementorum dominicorum libertatum [?] que fuerunt Magistri et Fratrum ordinis Milicie Templi in Anglia sibi assignatorum coram vobis et sociis vestris predictis in eadem foresta habenda facta propter quasdam difficultates in eisdem clamiis intervenientes coram nobis adjornaveritis ut accepimus, vobis mandamus quod si ita est, tunc omnia clania predicta, necnon recordum et processus inde coram vobis habita, coram nobis ubicumque fuerimus in Anglia sub sigillo vestro sine dilacione mittatis juxta adjornamentum predictum, hoc breve nobis remittentes. Teste Edwardo Duce Cornubie et Comite Cestrie filio nostro carissimo custode Anglie apud Kenyngton xvij die

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following in the Court of King's Bench, and the Prior and Brethren were directed to sue out a writ of venire facias in order to be able to produce the record of the grant. Afterwards a close writ to Richard de Willoughby, dated at Kennington, 18 Oct., 1338, was sent in the King's name by his son Edward Duke of Cornwall\* and Earl of Chester, Keeper of England, ordering Richard de Willoughby to despatch into the Court of King's Bench the claims of the Prior and Brethren relating to the liberties claimed in respect of the lands which

\* At this time the Black Prince, as he was afterwards called, was a lad of eight years old only. Edward III. had shortly before sailed for Antwerp on his French campaign.

Octobris anno regni nostri duodecimo. Virtute cujus brevis recordum et processus predicta mittuntur coram Rege ad diem predictum una cum brevi predicto.

Thomas Wake\* de Lydel clamat habere liberam chaceam suam ad vulpem et leporem, catum et tessonem infra metas suas baronie† sue de Midelton infra forestam predictam per divisas, videlicet a loco qui dicitur Alda de Costa usque le Standand Stane super le Spitelmyre de Pikeryng, et sic usque le Meredike, et deinde usque le Centoftcroft, et deinde usque Aldwlpotgate,‡ et deinde usque Jarestan‡ in Ellerland, et deinde usque le Boret Thorn super Flatmaryng, deinde usque Lofthous, et deinde usque le Rountree, et deinde super le Standanstan in Wheldale mosse, et deinde usque le Netherblawath, et deinde usque Stoverhous [? Shonerhous], et deinde usque Willm Hill, et deinde usque Westschonerhill, et deinde usque Raufcrosse, et sic ad aquam de Syvene usque Bruyndesdyke,§ et sic per fossatum fossi parci|| de Syvelyngton et per crestum de Risebergh, et sic juxta Thornton Park usque le Resedik, et sic usque aquam de Costa et sic ascendendo per aquam de Costa usque le Alda : et habere boscum qui dicitur le Fryth extra regardum, et dare et vendere pro voluntate sua et tenere in separalitate. Et habere boscum qui dicitur Holtwaitbank extra regardum. Et petere et habere liberacionem in communibus

formerly belonged to the Templars, and now belong to them, as well as the records of the proceedings. The writ was duly obeyed.

Thomas Wake of Liddell claims to have a free chase for fox, hare, wildcat, and badger within the boundaries of his barony of Middleton, namely, from the place called Alda on the Costa to the standing stone above the Spital Myre¶ of Pickering, so to the Meredyke, thence to Saintoft croft, thence to old wolf pit gate, thence to the Graystone in Ellerland, thence to the Boret Thorn above Flatmaryng, thence to Lofthouse, thence to the rowan tree, thence above the standing stone in Wheeldale Moss, thence to Nether Blawath, thence to Shunner Howes, thence to William Howe, thence to West Shunner Howe, thence to Ralph's Cross, so to the Seven by Bruindesdyke, so by the ditch of Sinnington Park and the crest of Riseborough Hill, near Thornton Park to the Risedike, and so to the Costa and up the Costa to Alda. He also claims to hold the wood called the Frith outside the

\* There is a fragment dated 1611 of a copy of this claim.—CHAPTER HOUSE ROLLS, Box 1, Ebor C.

† It is worthy of note that Middleton is here described as a Barony.

‡ Old Wolf Pit Gate and Graye stone in Chapter House Roll.

§ Brayrdesdyke in Ch. H. R.

|| Fostepar in Ch. H. R.

¶ This obviously obtained its name from St. Nicholas' Hospital. (See Vol. II., N.S., p. 214.)

boscis suis semel per annum, videlicet ad proximum attachiamentum\* post festum Sancti Michaelis pro se et omnibus tenentibus infra baroniam predictam. Et habere unum forestarium in forinseco† bosco baronie de Midelton, et unum wodewardum apud Rysebergh. Et habere escapium scilicet emendas de forinsecis averiis que non agistantur per dominum (et) per metas predictas. Et habere arream de esperveriis et merlonibus in boscis suis, et apes et mel et petras molares infra baroniam predictam, et eciam fodere turbas, eradicare feugeram et brueram pro se, hominibus et tenentibus suis infra metas baronie predictae. Et dicit quod [311b] ipse et omnes antecessores sui et domini baronie predictae per divisas predictas similiter habuerunt boscum qui dicitur le Frith extra regardum, et boscum de eodem dederunt et vendiderunt pro voluntate sua, et tenuerunt illum in separalitate. Et similiter habuerunt predictum boscum qui dicitur Holtwait Bank extra regardum. Et habuerunt similiter liberacionem suam in communibus boscis suis annuatim ad proximum attachiamentum post festum Sancti Michaelis pro se et tenentibus suis predictis. Et similiter habuerunt forestarium in boscis predictis forinsecis [*sic*]. Et similiter habuerunt wodewardum apud Risebergh. Et habuerunt in boscis suis infra baroniam predictam aeream de esperveriis et merlonibus, apes, mel et petras molares. Et similiter foderunt turbas et eradicarunt feugeram et brueram pro se et tenentibus suis infra metas baronie predictae absque interrupcione aliquali, et hoc paratus est verificare per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum, quoad habere liberam chaceam ad

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regard, and to give and sell thereout at will and hold it in severalty ; to hold the wood called Holtwaitbank, as outside the regard ; and to ask for and have livery for himself and all his tenants resident within his barony in all his commonable woods once a year, namely, at the next attachment Court after Michaelmas ; to have a forester to [look after the cattle] of strangers in his woods of the barony, and a woodward at Riseborough ; and to have escapes, that is to say, the ameracements within the limits aforesaid of all strangers' cattle not agisted by the Earl, and to have aeries of sparrowhawks and merlins in his woods, and bees, honey and millstones within his barony, and to cut turves and uproot bracken and heather for himself and his tenants resident within the barony. He is ready to prove that he and his ancestors, lords of the barony, have enjoyed these rights [from time immemorial] without interruption. An inquiry is directed, and it is found that

\* See note in Introduction as to Swanimote.

† Ch. H. R. adds aver' after forinsecis.

lepores, vulpes, catos et tessonnes, quod Eustachius de Scutebile [? Stuteville], quondam tenens baronie predicte, cui dominus Rex Henricus quondam Rex Anglie, progenitor domini Regis nunc, concessit chaceare ibidem ad voluntatem ipsius Regis Henrici tantummodo, nullam liberam chaceam ibidem habuit, nec idem Thomas adhuc ibidem habet. Et quoad habere liberacionem in boscis suis semel per annum, dicunt quod omnes antecessores predicti Thome a tempore quo non extat memoria habuerunt pro se et tenentibus suis predictis ad quodlibet attachiamentum quocienscumque necesse fuerit, liberacionem, et hoc ad sufficienciam bosci, et non semel per annum sicut clamat. Et quoad habere emendas de forinccis averiis que non agistantur per dominum, dicunt quod si forestarii Comitibus venerunt infra metas predictas et primo invenerint hujusmodi averia, escapium inde presentatum est et fuit a tempore quo non extat memoria ad attachiamentum hujusmodi foreste, et ibidem dominus foreste habet emendas, et si forestarius predicti Thome vel antecessorum suorum primo venerit et hujusmodi averia ibidem ceperit, tunc predictus Thomas et antecessores sui inde habuerunt emendas. Et quoad habendum boscum qui dicitur le Frith extra regardum, et dare inde et vendere pro voluntate sua, et tenere illum in separalitate; et similiter habere boscum extra le Holtwaitbank extra regardum, et habere forestarium in forinccis boscis baronie predicte, et wodewardum apud Rysbergh, et aream de esperveriiis et merlonibus, apes et mel in boscis suis et petras molares, et fodere turbas et eradicare feugeram et brueram pro se, hominibus et tenentibus suis infra metas baronie predicte, dicunt quod idem Thomas et omnes antecessores sui tenentes baroniam predictam a tempore quo non extat memoria predictis libertatibus usi sunt et gavisii. Ideo quoad habere liberam chaceam per divisas predictas ad vulpes, lepores, catos et tessonnes, et liberacionem de communibus boscis suis semel per

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King Henry granted to Eustace de Stuteville, a former holder of the barony, the right to hunt at the King's pleasure only, and that neither he nor Lord Wake ever had a free chase for fox, hare, wildcat, or badger. Further, the Jury say that all the ancestors of Lord Wake from time immemorial had for themselves and their tenants livery of wood if there was sufficient [?] at every attachment Court whenever it was required, and not once in the year, as he claims. Further, they say that if the Earl's foresters came within the boundaries of the barony, and were the first to find cattle of strangers there which were not agisted by the Earl, the escape has from time immemorial been presented at the next attachment Court and the Earl has the fines, but if the forester of Lord Wake or his ancestors came first and seized the cattle Lord Wake or his ancestor had the fines. They find that Lord

annum, et escapium de forinsecis averiis consideratum est quod idem Thomas nichil capiat in hac parte, set sit in misericordia pro falso clamio suo. [312] Et quoad residuum tocius clamii predicti similiter consideratum est quod idem Thomas illud habeat et gaudeat impetuum, salvo semper jure, etc.

Thomas Wake de Lydel clamat venire per ministros suos ad quodlibet attachiamentum, et petere et habere ibidem liberacionem pro se et tenentibus suis de baronia sua de Midelton in communibus boscis infra baroniam predictam secundum assisam foreste, preter boscum del Frith et boscum de Holtwaitbank qui sibi adjudicati sunt tenendi in separali extra regardum. Et habere emendas in Curia sua de omnibus forinsecis boscis inventis et attachiatis per ministros suos antequam ministri domini foreste hujusmodi boscos [p bestias] invenerint et per eosdem attachiati fuerint in omnibus boscis de predicta baronia. Et dicit quod ipse et omnes antecessores sui tenentes baroniam predictam a tempore quo non extat memoria seisiti fuerunt de predictis libertatibus tanquam pertinentibus baronie predictae absque interrupcione aliqua, et hoc paratus est verificare per ministros ejusdem foreste. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum, quod idem Thomas et omnes antecessores sui a tempore quo non extat memoria habuerunt liberacionem pro se et tenentibus suis de baronia predicta ad quodlibet attachiamentum in omnibus boscis infra baroniam predictam preter boscos predictos superius exceptos secundum assisam foreste. Et quod idem Thomas et omnes antecessores sui similiter habuerunt emendas in Curia sua de omnibus forinsecis boscis in omnibus boscis de predicta baronia inventis per

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Wake and all his ancestors have enjoyed all the other liberties claimed from time immemorial. The claims are therefore allowed, except as to the free chase, livery of wood once a year, and escapes of cattle of non-residents.

Thomas Wake of Liddell claims to appear by his officers at every attachment Court, and to ask for and receive livery, according to the assize of the forest, for himself and his tenants within the barony of Middleton, in the commonable woods within the barony, not including the Frith and Holtwaitbank, which it has been decided are held in severalty outside the regard; he also claims the fines in his Court arising from the cattle of non-residents found and attached by his officers before the Earl's officers find and attach them in all the woods within the barony. He is ready to prove that he and his ancestors holding the barony have enjoyed these rights, as appurtenant thereto, from time immemorial without interruption. The Jury find that this is the case, and the claims are allowed,

ministros suos attachiatis, antequam ministri foreste hujusmodi bestias [*sic*] invenerint prout idem Thomas superius clamat. Ideo consideratum est quod idem Thomas eat inde sine die, salvo semper jure, etc.

Gilbertus de Aton clamat vendere et dare tam infra forestam quam extra boscum suum tam viridem quam siccum de boscis suis de Ayclifside et Troucedale versus boriā que sunt extra regardum foreste, et dicit quod ipse et omnes antecessores sui a tempore quo non extat memoria vendiderunt et dederunt boscum suum predictum ut predictum est et hoc petit quod inquiretur per omnes ministros istius foreste. Ideo inquiretur inde veritas. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod predictus Gilbertus et omnes antecessores sui a tempore quo non extat memoria vendiderunt et dederunt boscum predictum prout superius clamat tanquam pertinentem ad manerium suum de Brumpton sine interrupcione aliquali. Ideo consideratum est quod idem Gilbertus eat inde sine die, salvo semper jure etc.

Gilbertus de Aton clamat vendere boscum suum tam de viridi quam siccum in boscis suis de Troucedale versus boriā, qui sunt extra regardum, videlicet illum boscum qui est ex parte boreali de Troucedale a loco qui [312b] dicitur Braithwait versus occidentem in longum per rivulum de Troucedale sicut rivulus currit versus orientem, usque ad quendam sikettum qui cadit in eundem rivulum descendendo a quodam fonte qui dicitur Apeltrekeld, et inde per sikettum predictum ascendendo ad fontem predictum, et a predicto fonte ascendendo directe usque ad Blaclousenese, et deinde transcendendo alium usque ad

Gilbert de Ayton claims the right to sell and give away, both within and without the forest, green as well as dry wood out of his woods of Ayclifside and Troutdale towards the north, which are quit of regard, as he and his ancestors have done from time immemorial. An inquiry is directed, and it is found that Gilbert and his ancestors from time immemorial have without interruption sold and given away the wood in question as appurtenant to the manor of Brompton. The claim is allowed.

Gilbert de Ayton\* claims the right to sell green and dry wood out of his woods to the north of Troutdale which are outside the regard, namely, from Braithwaite westward along Troutdale beck as the beck flows to the east, to a rill† which flows into the beck from a spring called Appletree Keld, thence ascending the rill up to the spring, thence still upwards to Blackleys ness, thence crossing over up to a

\* See p. 98, *ante*.

† *Syke* is still the usual word in Yorkshire (See Atkinson's "Cleveland Glossary," *s.v.*)

quendam lapidem ex opposito le Birk inter le Birk et Blaclousenese, et deinde per quandam semitam rectam usque orientalem finem de Blaclousdyk, et deinde per dictum fossatum sicut tendit directe ab oriente in longum versus occidentem usque ad quandam semitam jacentem ex parte australi de Brounthus, et sic per eandam semitam descendendo sicut ducit ad cilium de Goderiggil, et deinde per sikettum descendendo per medium de Goderikgil usque ad Braithwait ubi idem torrens cadit in Troucedalebek. Et dicit quod ipse et omnes antecessores sui tenentes manerii de Brumpton a tempore quo non extat memoria vendiderunt et dederunt boscum suum tam viridem quam siccum in boscis suis de Troucedale versus boriā per divisas predictas, et hoc paratus est verificare per ministros istius foreste. Ideo inquiratur inde veritas per eosdem, set ponitur in respectum usque diem Lune proximum post festum Sancti Mathei apostoli hic, eo quod ministri predicti pecierunt a Justiciariis quod visum habeant de divisīs predictis priusquam veredictum predictum psallerint. Et idem dies datus est prefato Gilberto. Ad quem diem coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venit predictus Gilbertus per Ricardum de Naulton attornatum suum, et similiter ministri venerunt. Qui ad hoc jurati et onerati dicunt super sacramentuum suum quod idem Gilbertus et omnes antecessores sui tenentes manerium predictum de Brumpton a tempore quo non extat memoria vendiderunt et dederunt boscum tam viridem quam siccum in boscis suis de Troucedale versus boriā per divisas predictas prout idem Gilbertus superius clamat. Ideo consideratum est quod idem Gilbertus eat inde sine die, salvo semper jure etc.

Decanus et Capitulum ecclesie beati Petri Eboracensis clamant

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stone opposite the Birch Tree between the Birch Tree and Blackleys ness, thence by a straight path to the east end of Blackleys dyke, thence along the dyke as it goes from east to west up to a path lying on the south of Brown Howes, thence descending by that path as it leads to the brow of Goderick Gill, thence descending by the rill through the middle of Goderick Gill up to Braithwaite, where it falls into Troutsdale beck. He is ready to prove that he and all his ancestors while holding the manor of Brompton from time immemorial have sold and given away both green and dry wood within these boundaries. An inquiry is directed, but is respited until Monday, 22 Sept., 1337, because the Jury desire to have a view before giving their verdict, on which day Gilbert appears before Richard de Willoughby and John de Hambury, by Richard de Naulton, his attorney, and the Jury having given their verdict in his favour, his claim is allowed.



habere communam pasturam pro se, hominibus et tenentibus suis de Farmanby, Kynthorp et Ellerburn in boscis, moris et pasturis earundum villarum; et pro se et hominibus suis de Wylton et pro se, hominibus et tenentibus suis de Allerstan in boscis, moris et pasturis ejusdem ville absque aliquo inde dando; et pro se hominibus et tenentibus suis de Farmanby, Kynthorp et Ellerburn esse quieti de pannagio tempore pannagii in boscis et moris dictarum trium villarum pro se, hominibus et tenentibus suis de Allerstan in boscis et moris ejusdem ville, pro se, hominibus et tenentibus suis de Ebreston in boscis et moris ejusdem ville; pro se, hominibus et tenentibus suis de Farmanby, Kynthorp, Ellerburn, Wylton, Allerstan et Ebreston esse quieti de expeditacione canum et putura omnium ministrorum foreste; et pro se, hominibus et tenentibus suis de Farmanby habere housebote et haibote et subboscum per assisam foreste [313] ad curtilagium et fossatum ejusdem ville claudendum, et colligere nuces ad estoveria sua in bosco de Farmanby; et pro se, hominibus et tenentibus suis de Ellerburn in bosco de Ellerburn, et pro se, hominibus et tenentibus suis de Allerstan in boscis de Allerstan, et pro se, hominibus et tenentibus suis de Edbreston in boscis de Edbreston.

Et quoad habere communam pasture pro se, hominibus et tenentibus suis de Farmanby, Kynthorp et Ellerburn in boscis, moris et pasturis

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The Dean and Chapter of York claim to have common of pasture for themselves, their men and tenants of Farmandby, Kingthorpe and Ellerburn in the woods, moors and pastures of the same townships, and for themselves and their men of Wilton, and for themselves, their men and tenants of Allerston in the woods, moors and pastures of that township without payment; and for themselves, their men and tenants of Farmandby, Kingthorpe, Ellerburn, Allerston and Ebberston to be quit of pannage in the mast season in the woods and moors of those townships; for themselves, their men and tenants of Farmandby, Kingthorpe, Ellerburn, Wilton, Allerston and Ebberston to be quit of lawing of dogs and puture of all the officers of the forest; for themselves, their men and tenants of Farmandby, to have housebote and hedgebote and underwood in accordance with the assize of the forest to inclose their curtilage and the town ditch,\* and to collect nuts for estovers in the wood of Farmandby, and a like right for themselves, their men and tenants of Ellerburn, Allerston and Ebberston in the woods of those townships. They claim to enjoy the rights after-mentioned by virtue of a grant made by King Henry I. to Archbishop Gerard of York of the churches of Pocklington, Driffield, Kilham, Pickering, Aldborough

\* As a possible explanation I would suggest that this was the ditch round the common field, on the bank of which a fence appears to have been made.

earundem villarum, et pro se, hominibus et tenentibus suis de Wylton in Wylton, et pro se, hominibus et tenentibus suis de Allerstan in Allerstan, et pro se, hominibus et tenentibus suis de Edbreston in Edbreston absque aliquo inde dando; et pro se, hominibus et tenentibus suis de Farmanby, Kynthorp et Ellerburn esse quieti de pannagio tempore pannagii; et pro se et hominibus suis de Allerstan, et pro se, hominibus suis et tenentibus de Edbreston in boscis et moris earundem villarum, et pro se, hominibus et tenentibus suis de Farmanby, Kynthorp, Ellerburn, Wilton, Allerstan et Edbreston esse quieti de expeditione canum et putura omnium ministrorum foreste de Pikeryng (et) dicunt quod dominus Henricus quondam Rex Anglie, progenitor domini Regis nunc dedit et concessit Sancto Petro et G. Archiepiscopo Eboracensi ecclesias de Pokelyngton, Duffield, Kylum, Pikeryng, Burgh et Snayd cum omnibus suis capellis, consuetudinibus et sok et sak ad eas pertinentibus. Et precepit quod ecclesie predictae essent quiete et libere in omnibus rebus et consuetudinibus ut Sanctus Petrus perpetualiter teneat ipsas ecclesias quietas, solutas et liberas ab omni servicio per cartam suam quam hic profert et que hoc testatur. Virtute cujus doni predictus G. Archiepiscopus quietus fuit de pannagio, expeditione canum et putura omnium ministrorum, et habuit communam pasturam pro se, hominibus et tenentibus suis predictis in moris, boscis et pasturis tanquam dependentem terre in eisdem villis. Et dicunt quod facta permutacione inter predictum Archiepiscopum et tunc Decanum et Capitulum Eboracense de ecclesia de Pikeryng predicta pro aliis terris et tenementis, iidem Decanus et Capitulum pro se, hominibus et tenentibus predictis tunc temporis et omnes Decani ecclesie predictae et Capitulum a tempore predicto, et ipsi similiter pro se, hominibus et tenentibus suis predictis virtute carte predictae quieti fuerunt de pannagio, expeditione canum et putura ministrorum in villis predictis. Et habuerunt communam pasture ut superius asserunt absque aliquo inde dando tanquam dependentem terre sue in villis predictis. Et hoc parati sunt verificare per ministros foreste.

Et quoad habendum pro se, hominibus et tenentibus suis de

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and Snaith with their chapels, customs and jurisdictions, in which he directed that such churches were to be quit and free in all matters and customs, so that the church of St. Peter might for ever hold the churches quit, released and free of all service. The deed is produced. By virtue of this grant Archbishop Gerard was quit of pannage, lawing of dogs and puture of all the officers of the forest, and enjoyed the common of pasture claimed above as appurtenant to his land in those townships. Afterwards the Archbishop exchanged with the Dean and Chapter the church of Pickering for other lands, and they are ready to

Farmanby housebote, haibote et subboscum per assisam foreste ad curtilagia et fossatum ejusdem ville claudenda, et colligere nuces ad estoveria sua in boscis de Farmanby, et pro se, hominibus et tenentibus suis de Kynthorp in boscis de Kynthorp, et pro se, hominibus et tenentibus suis de Ellerburn in boscis de Ellerburn, et pro se, hominibus et tenentibus suis de Allerstan in boscis de Allerstan, et pro se, hominibus et tenentibus suis de Edbreston in boscis de Edbreston dicunt quod ipsi et omnes Decani ecclesie predicte et Capitulum a tempore quo non extat memoria habuerunt housebote, haibote [313b] et subboscum, et colligerunt nuces ad estoveria sua pro se, hominibus et tenentibus suis predictis in locis predictis absque interrupcione tanquam pertinentia terre sue quam habent in eisdem villis, et hoc parati sunt verificare per ministros foreste. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores dicunt super sacramentum suum quod quoad hoc quod iidem Decanus et Capitulum clamant habere communam pasture pro se, hominibus et tenentibus suis in locis et villis predictis, et esse quieti de pannagio, expeditacione canum et putura ministrorum foreste, dicunt quod iidem Decanus et Capitulum et omnes Decani ecclesie predicte et Capitulum, predecessores sui, a tempore quo non extat memoria virtute carte predicte fuerunt quieti pro se, hominibus et tenentibus suis predictis in boscis et moris predictis de pannagio tempore pannagii, expeditacione canum et putura ministrorum foreste, et habuerunt communam pasture pro se, hominibus et tenentibus suis predictis in locis predictis tanquam pertinentem terre sue predicte. Et quoad habendum housebote et haibote et subboscum et colligere nuces ad estoveria sua pro se, hominibus et tenentibus suis predictis in boscis predictis, dicunt similiter iidem ministri quod predicti predecessores [? Decanus] et Capitulum et omnes Decani ecclesie predicte et Capitulum predecessores sui a tempore quo non extat memoria pro se, hominibus et tenentibus suis predictis habuerunt housebote et haibote et subboscum ad curtilagia et fossata sua claudenda, et colligerunt nuces ad estoveria sua, prout clamant, absque interrupcione aliquali. Ideo iidem Decanus et Capitulum eant inde sine die, salvo semper jure etc.

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prove that the Dean and Chapter have ever enjoyed the same rights from that time. They claim the rights of taking housebote, hedgebote and underwood for enclosing their curtilages and the town ditch and of collecting nuts for their estovers in the woods mentioned, as having enjoyed them from time immemorial without interruption as appurtenant to their land in the several townships. An inquiry is directed, and it is found that the Dean and Chapter have enjoyed the rights in accordance with their claims. Judgment is given in their favour.

Johannes de Melsa miles clamat ardere cablicia et siccum boscum in boscis suis de Levesham et inde facere carbones et eos dare et vendere pro voluntate sua. Et dicit quod ipse et omnes antecessores sui tenentes manerium de Levesham a tempore quo non extat memoria arderunt cablicia et siccum boscum in boscis suis predictis, et inde fecerunt carbones et eos dederunt et vendiderunt pro voluntate sua tanquam pertinentes ad manerium predictum, et hoc paratus est verificare per ministros istius foreste etc. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod predictus Johannes et omnes antecessores sui et tenentes manerium predictum semper a tempore quo non extat memoria usi fuerunt ardere cablicia et siccum boscum de boscis predictis, et inde fecerunt carbones et eos dederunt et vendiderunt pro voluntate sua prout idem Johannes superius clamat. Et super hoc datus est dies prefato Johanni hic usque diem Martis proximum post festum Exaltacionis Sancte Crucis de audiendo inde iudicio suo. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury, Justiciariis etc. venit predictus Johannes de Melsa per Johannem de Lutton attornatum suum et petit iudicium super veredicto ministrorum predictorum, quod predictus Johannes de Melsa et omnes antecessores sui et tenentes manerium predictum semper a tempore quo [314] non extat memoria usi fuerunt ardere cablicia et siccum boscum de boscis suis predictis de Levesham, et inde fecerunt carbones et eos dederunt et vendiderunt pro voluntate sua, prout idem Johannes per clamium suum supponit. Consideratum est quod idem Johannes de Melsa eat inde sine die, salvo semper jure etc.

Prior Hospitalis Sancti Johannis Jerusalem in Anglia clamat agistare omnimoda animalia in illis terris et tenementis suis de manerio suo de Foukbrigg, que se extendent [? extendunt] ex parte occidentali

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Sir John de Meaux\* claims the right of burning browseed and dry wood in his woods at Levisham, making therefrom charcoal, and giving and selling it at pleasure. He is ready to prove that he and all his ancestors from time immemorial while holding the manor of Levisham have enjoyed this right as appurtenant to the manor. An inquiry is directed, and the Jury find in his favour. Judgment is reserved until Tuesday, 15 Sept., 1338, when Sir John appears by his attorney John de Lutton before Richard de Willoughby and John de Hambury. Judgment is given allowing the claim.

The Prior of the Hospital of St. John of Jerusalem in England claims the right to agist all manner of animals in those lands of the

\* See p. 2, *ante*.

ejusdem manerii del Kerdyke usque Derwent et proficuum agistamenti percipere ad voluntatem suam. Et per Simonem le Faukener, confratrem ipsius Prioris, generalem attornatum suum, dicit quod ipse et omnes tenentes manerium predictum a tempore quo non extat memoria agistarunt omnia animalia in terris et tenementis predictis per divisas predictas, et proficuum agistamenti perceperunt ad voluntatem suam : et dicit quod Magister et Fratres ordinis Milicie Templi Salomonis post tempus memorie seisiti fuerunt de agistamento [? manerio] predicto in dominico suo ut de feodo, qui similiter seisiti fuerunt de agistamento predicto per divisas predictas et proficuum ejusdem agistamenti ceperunt tanquam pertinentem manerio predicto : et post cessacionem et adnullacionem ordinis predicti quando manerium predictum ad manus Thome nuper Comitis Lancastrie, fratris domini Comitis nunc, cujus heres ipse est, devenit, idem Thomas similiter tunc seisitus fuit de agistamento predicto in forma predicta tanquam pertinenti manerio predicto, et similiter quidam Johannes de Dalton cui predictus Thomas predictum manerium dimiserat tenendum, postea seisitus fuit de agistamento predicto in forma predicta. Et postea cum dominus Edwardus nuper Rex Anglie, pater domini Regis nunc, ad parliamentum suum apud Westmonasterium a die Purificacionis beate Marie in tres septimanas anno regni sui decimo septimo de assensu Prelatorum, Comitum, Baronum, Procerum et aliorum de regno suo ibidem convocatorum per cartam suam concessisset et confirmasset tunc Priori Hospitalis, predecessori suo, et Fratribus Hospitalis predicti omnes possessiones, jura, advoca-

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manor of Foulbridge which stretch on the west side of the manor from the Cardyke to the Derwent, and to take at pleasure the profits of the agistment. He says by his general attorney, Brother Simon the Falconer, that he and all persons holding the manor have from time immemorial agisted all manner of animals in the lands described and taken at pleasure the profits of the agistment ; moreover, after the time of memory,\* the Master and Brethren of the Knight Templars were seised of the manor in their demesne as of fee, and likewise were seised of the agistment, and took the profit as appurtenant to the manor. After the suppression of the order when the manor came into the hands of Earl Thomas, the Earl was likewise seised of the agistment as appurtenant to it, and likewise one John de Dalton, to whom the Earl demised the manor, was seised of the agistment. Afterwards King Edward II. in Parliament at Westminster, on 23 Feby., 1324, with the assent of the Prelates, Earls, Barons, nobles and others granted by deed to the Prior and Brethren of the Hospital all the

\* Then the first coronation of Henry III., *i.e.*, 1216.

ciones ecclesiarum, libertates, quietancias et liberas consuetudines quascunque que fuerunt ipsorum Fratrum ordinis predicti ante cessationem et adnullacionem ejusdem ordinis, per quod manerium predictum devenit ad manus predicti Prioris cum juribus et pertinentiis suis quibuscunque, predictus Prior qui tunc fuit et similiter omnes Priores loci predicti, successores sui, a tempore predicto et ipse similiter seisiiti fuerunt de agistamento predicto in forma predicta tanquam pertinenti manerio predicto absque interruptione aliqua, et hoc paratus est verificare per ministros istius foreste etc. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod omnes tenentes manerium predictum a tempore quo non extat memoria, et similiter predictus Magister Milicie Templi ante cessationem et adnullacionem ordinis predicti, et post adnullacionem et cessationem ejusdem ordinis predictus Thomas Comes, et postea de ipsius Comitis dimissione predictus Johannes de Dalton [314b], et similiter a tempore concessionis et confirmationis predictarum omnes Priores, predecesores sui, et eciam predictus Prior qui nunc est absque aliqua interruptione semper agistarunt omnimoda animalia in terris et tenementis predictis per divisas predictas, et proficuum agistamenti perceperunt ad voluntatem suam, prout in clamio ipsius Prioris superius continetur. Ideo consideratum est quod idem Prior eat inde sine die, salvo semper jure etc.

Thomas Wake de Lydel clamat habere emendas in Curia sua de escapiis de forincecis boscis [? bestiis] non agistatis per dominum foreste, captis per ministros ejusdem Thome infra metas baronie de Midelton, si eos ceperint antequam forestarii domini foreste fecerint

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possessions, rights, advowsons, liberties, quittances and free customs whatsoever that the Templars had before their suppression. By virtue of which grant he is ready to prove that the manor came to the hands of the Prior and he was thenceforth seised of the agistment in question. An inquiry is directed and the Jury find that all holders of the manor from time immemorial, likewise the Master of the Temple before the suppression of the Order, after the suppression Earl Thomas, his tenant John de Dalton, and the Priors from the date of the grant to them have without interruption agisted all manner of animals in the lands described and at pleasure taken the profits of the agistment. Judgment is given allowing the claim.

Thomas Wake\* of Liddel claims the right of having the fines in his

\* *See ante*, p. 152. His claim as to escapes taken in his woods was allowed. He now makes a wider claim, extending it to all his lands, but he is only successful so far as the moors are concerned.

aliquam capcionem vel attachiamentum in eis, et dicit quod ipse et omnes antecessores sui et tenentes baroniam a tempore quo non extat memoria ceperunt emendas in Curia sua de hujusmodi escapiis infra metas baronie predictae tanquam pertinentes manerio suo de Midelton, et petit quod inquiratur per ministros ejusdem foreste. Ideo inquiratur inde veritas per eosdem etc. Qui scilicet forestarii, viridarii et regardatores dicunt super sacramentum suum quod idem Thomas et omnes antecessores sui et tenentes baroniam predictam a tempore quo non extat memoria habuerunt emendas suas in Curia sua de hujusmodi escapiis in moris et boscis tantummodo infra metas baronie predictae, et non in terra arabili prout idem Thomas superius clamat. Ideo consideratum est quod idem Thomas quoad habere emendas suas de escapiis predictis in boscis et moris tantummodo infra metas baronie predictae, illud habeat et gaudeat sibi et heredibus suis imperpetuum, salvo semper jure etc. Et quoad residuum clamii predicti similiter consideratum est quod idem Thomas nichil capiat, set sit in misericordia pro falso clamio suo. Postea venit Nicholaus Repyngale, attornatus predictus Thome ad libertates suas calumpniandas et prosequendas, et petit quod possit admitti ad finem faciendum pro misericordia domini sui in hac parte et admittitur per finem dimidie marce per plegium Johannis de Farndale et Petri filii Gervasii.

Prior de Malton\* clamat habere piscariam suam in Rie et Derewenta

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court of escape of stranger's cattle, not agisted by the Earl, if taken by his officers within his barony of Middleton before the Earl's foresters have made any capture or attachment of them. He says that he and all his ancestors from time immemorial while holding the barony have taken the fines in their court from such escapes as appurtenant to the manor of Middleton. An inquiry is directed and the Jury find that the right is limited to escapes found in the moors and woods only of the barony and not in the arable land. The claim is therefore allowed as to the former only and Thomas Wake is amerced for making too extensive a claim. Afterwards Nicholas Repyngale, his attorney to prosecute his claims, compounds for 6<sup>s</sup> 8<sup>d</sup> for his lord's amercement. Sureties, John de Farndale and Peter son of Gervais.

\* This was copied into the Malton Coucher Claudius D. XI. at fol. 125. The handwriting, which is of a date later than the body of the Coucher, is probably contemporaneous with the Eyre. It gives the date of the claim "in crastino Exaltacionis Sancte Crucis Anno Domini millesimo trecentesimo trecesimo octavo" [15 Sept., 1338], and the name of the Prior is John; whereas at fol. 126, where the claim already printed at p. 102, *ante*, is copied, the date of the claim is 1336 and the Prior's name William. In the margin of fol. 125 there is written in a late sixteenth-century hand "comone of the Marresse More for xxx oxen and ij bulls, xxx kye and ther calves of one yere old with the fysshing in Darwente to Allerstone Becke."

a Costa usque Alestan\* bek infra metas foreste, et habere communam pasture ad triginta boves et duos tauros† cum secta earum unius anni infra has divisas, videlicet in‡ Howe in longitudine usque Kypsyk, et in latitudine a Costa usque ad rivulum qui currit juxta domos monachorum ex parte occidentali qui dicuntur Kekemarreys et tendit versus Pikeryng, et in quodam prato vocato Edyvemerssh annuatim post fenum falcatum, adunatum et cariatum usque primum diem Veneris mensis§ Marcii, et habere communam turbarie infra divisas predictas, excepto prato. Et dicit quod dominus Henricus quondam Rex Anglie primus,|| genitor domini Regis nunc, concessit Canonicis de Malton quod ipsi habeant et teneant communam pasture predictam de ponte de Howe usque ad Kypsyk, et turbas et brueras suas in pratis [? pro] coverturis suis¶ annuatim ad domum suam [315] de Malton carianas ita bene et in pace, libere et juste sicut melius tenuerunt et habuerunt die qua Eustachius filius Johannis fuit vivus et mortuus, qui predictam communam pasture et turbarie eis dedit per cartam ipsius Eustachii quam hic profert et que hoc testatur. Concessit eciam eis idem dominus Rex piscariam predictam in Rie et Derwent in liberam et perpetuam elemosinam cum omnibus aliis

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The Prior of Malton claims a fishery in the Rye and Derwent from the Costa to Allerston beck within the forest, and common of pasture for thirty oxen, two bulls and thirty cows with their offspring up to one year old within these limits, namely, from Howe Bridge to Kipsyke in length, and in breadth from the Costa to the stream which flows past the houses of the monks at Kekke Marish in the direction of Pickering, and in a certain meadow called Edusmarsh\*\* after the hay has been cut, made into cocks and carried, up to the first Friday in March, and to have common of turbary within these boundaries, except in the meadow. He says that Henry II. granted to the Canons of Malton that they might have common of pasture from Howe Bridge to Kipsyke and turves and heather for thatching [?] to be carried every year to their house at Malton as fully as they enjoyed them when Eustace son of John died, who granted to them these rights by deed, which they produce. The King also granted to them the fishery in the Rye and Derwent in frankalmoign, with all the liberties and free customs that he

\* *Allerstan* in Malton Coucher. † *Et triginta vaccas* added in Malton Coucher.

‡ *A ponte de* in Malton Coucher.

§ The date when the meadows were shut up is interesting.

|| This must have been *secundus*.

¶ *Et prata et coverturas suas* in Malton Coucher, fol. 28d, where the grant is set out.

\*\* This, which afterwards became and still is known as Castle Ings, can be identified. It occupied the angle formed by the junction of the Rye and Derwent.



libertatibus et liberis consuetudinibus sicut regia potestas liberior alicui ecclesie conferre potuit per cartam ipsius Regis quam hic profert et que hoc testatur. Et dicit quod cum controversia mota fuit coram dicto domino Henrico quondam rege etc. inter tunc monachos Rievallenses et Canonicos predictos super pastura predicta, per precem et concessionem ipsius Regis amicabile compositione\* terminata fuit, scilicet quod prefati monachi concesserunt predictis Canonicis ut habeant in predicta pastura sua per divisas predictas in vasto subtus Pikeryng imperpetuum predictos triginta boves quibus colant terram suam de Malton et duos tauros et triginta vaccas quarum vituli cum fuerint unius anni de predicta pastura removebuntur. Et similiter iidem monachi concesserunt quod predicti Canonici habeant infra divisas predictas excepto prato turbas sufficientes ad proprios suos usus per factum ipsius Regis Henrici inter predictos monachos et Canonicos indentatum quod hic profert et quod hoc testatur. Et dicit quod predicti Canonici virtute cartarum predictarum semper a tempore confeccionis earundem habuerunt piscariam predictam, et similiter communam pasture et turbarie predictas excepto prato, et ipse similiter inde seisitus est semper a tempore predicto absque aliquali interruptione, et hoc paratus est verificare per ministros istius foreste prout Curia etc. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores dicunt super sacramentum suum quod idem Prior qui nunc est et Priores et Canonici predecessores sui semper a tempore confeccionis cartarum† predictarum habuerunt piscariam predictam et communam pasture per divisas predictas in prato predicto per tempus predictum, similiter communam turbarie infra divisas predictas excepto prato sine interruptione aliquali, prout

could confer by virtue of his royal prerogative by deed, which they also produce. When a dispute arose in the King's Court between the monks of Rievaulx and the canons of Malton about the common of pasture, at the King's request the matter was amicably arranged, and the monks granted to the canons common of pasture for ever in the waste land below Pickering for thirty oxen with which they till the land at Malton, two bulls and thirty cows, whose calves are to be removed as soon as they exceed the age of one year. They likewise granted that the canons might have turves, except in the meadow, sufficient for the use of their house. The arrangement was contained in a deed which they produce.

They are ready to prove that they have enjoyed the rights claimed without interruption from the dates of the several deeds. An inquiry

\* This composition is set out at Malton Coucher, fol. 28, and Rievaulx Chart., p. 139.

† *Et compositionum* added in Malton Coucher.

idem Prior superius clamat. Ideo consideratum est quod idem Prior eat inde sine die, salvo semper jure etc.

Henricus\* de Percy clamat tenere manerium de Semere cum boscis ejusdem manerii extra regardum foreste de Pikeryng, et habere wodewardum in boscis suis predictis portantem arcum et sagittas ad presentandum presentanda de venacione tantum, et liberam warennam in manerio predicto ubique, et ibidem fugare et capere vulpes, lepores, capriolos, catos et tessonnes infra manerium predictum tam infra cooperturam quam extra, et erradicare [*sic*] brueram in mora de Semere et illam vendere et dare pro voluntate sua, et habere in boscis suis de Semere forgeas et mineram, vaccariam et bercariam pro voluntate sua, et agistare et habere agistamentum infra manerium suum predictum ubique, scilicet in boscis, moris et alibi infra predictum manerium, et amputare, dare et vendere boscum suum infra manerium suum predictum sine visu forestariorum pro voluntate sua. Et idem Henricus ponit loco suo Johannem de Shirebourn in loquela predicta et aliis placitis et querelis pro ipso vel contra ipsum [315b] motis vel movendis versus quoscumque durante itinere etc. Postea dominus Rex mandavit Justiciariis hic breve suum clausum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie Justiciariis itinerantibus ad placita foreste in foresta Henrici Comitis Lancastrie de Pikeryng salutem. Mandamus vobis quod dilectum et fidelem nostrum

is directed; the Jury find in favour of the claims, which are consequently allowed.

Henry de Percy claims to hold the manor of Seamer with its woods outside the regard of the forest; and to have a woodward in the woods carrying a bow and arrows to present only offences of venison that should be presented, and to have a free warren in the manor, and to hunt and take foxes, hares, roedeer, wild cats, and badgers within the manor, as well within the covert as without, and to uproot heather in Seamer Moor, and sell it and give it away at pleasure, and to have the minerals and smelting-places, cow-houses and sheep-folds in Seamer woods at pleasure, and to agist and have the agistments everywhere within the manor, in woods, moors and elsewhere, and to cut, give and sell wood within his manors at his own pleasure without view of the foresters. He also appointed John de Shirebourn as his attorney in this claim. Afterwards he obtained a writ of protection from the

\* This was the second Lord Percy of Alnwick, born 1301, died February 27, 1352. He had taken a prominent part in the battle of Halidon Hill, where the Scots had been defeated on July 19, 1333. On August 14, 1334 (*see* Pat. Rolls, 8 Ed. III., pt. 2, mm. 14, 36), his eldest son, then about fourteen years old, was betrothed to Mary, daughter of Henry Earl of Lancaster.

Henricum de Percy qui in obsequio nostro per perceptum nostrum in partibus de Berewico super Twedam moratur occasione alicujus placiti ipsum in itinere isto contingentis coram vobis in aliquo non molestetis, nec gravetis, nec placitum aliquod inde teneatis quamdiu in obsequio nostro steterit supradicto, et quod omnia placita et alia ipsum Henricum in itinere predicto qualitercumque tangencia remaneant in eodem statu in quo nunc sunt usque ad festum Pasche proxime futurum. Teste me ipso apud Westmonasterium xxvij die Septembris anno regni nostri octavo. Et virtute cujus brevis loquela predicta remanebat usque ad predictum festum Pasche in eodem statu quo nunc etc. Postea die Lune proximo post mensem predictae Pasche apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. predictus Henricus de Percy per attornatum suum predictum venit et virtute litterarum dicti Comitis Lancastrie prefatis Justiciariis inde directarum datus est dies usque diem Martis proximum post tres septimanas Sancti Michaelis etc. apud Pikeryng in loquela predicta in eodem statu quo prius etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Shardelowe Justiciariis etc. venit predictus Henricus de Percy per attornatum suum predictum et adhuc virtute aliarum litterarum dicti Comitis prefatis Justiciariis directarum datus est dies inde prefato Henrico usque diem Jovis proximum post octabas Purificacionis beate Marie in eodem statu quo nunc etc. Ad quem diem apud Pikeryng coram prefatis Johanne de Hambury et Ricardo de la Pole posito loco predicti Johannis de Shardelowe unius Justiciariorum ad itinerandum etc. assignatorum per diversa brevia etc. que alibi irrotulantur, venit predictus Henricus de Percy per attornatum suum predictum, et deinde per aliam litteram ipsius Comitis prefatis Justiciariis directam inde datus est dies prefato Henrico per attornatum suum predictum usque diem Mercurii proximum post festum Ascensionis Domini apud Pikeryng in eodem statu quo nunc etc. [Here follow as before at p. 72 statements that the Justices could not be present and that a new writ was issued.] [316] Pretextu cujus brevis preceptum est vicecomiti Eboracensi quod resummoniri faciat predictum Henricum Percy quod sit coram prefatis Justiciariis, tribus vel duobus eorum apud Pikeryng die Lune proximo post festum Sancti Andree apostoli, ita quod placita et processus tunc sint ibidem in eodem statu in quo fuerunt apud Pikeryng predicto die Jovis proximo post octabas Purifi-

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King, dated at Westminster, 27 September, 1334, adjourning any case in which he was interested until the Easter following on the ground that he was then serving at Berwick-at-Tweed. Owing to letters from Henry Earl of Lancaster, and similar writs of protection

cacionis beate Marie anno regni domini Regis nunc decimo quando atterminata fuerunt usque diem Mercurii proximum post festum Ascensionis Domini proximum sequentem apud Pikeryng; ad quem diem placita et processus predicta remanserunt sine die per absenciam tam predictorum Johannis de Hambury et Ricardi de la Pole quam predictorum Ricardi de Wylughby et Roberti de Hungerford Justiciariorum etc. alibi de mandato domini Regis nunc existencium. Ad quem diem Lune proximum post festum Sancti Andree [316b] apostoli apud Pike-ryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. predictus Henricus de Percy per breve domini Regis sub testimonio predicti Ricardi de Wylughby prout etc. resummonitus per attornatum suum venit et profert quoddam breve domini Regis clausum prefatis Justiciariis hic directum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie Justiciariis itinerantibus ad placita foreste Henrici Comitis Lancastrie de Pikeryng salutem. Volentes indemnitati dilecti et fidelis nostri Henrici de Percy qui in obsequio nostro in partibus Scocie moratur prospicere ut tenemur, vobis mandamus quod omnia placita in itinere predicto ipsum Henricum qualitercumque contingencia continuatis in eodem statu quo nunc sunt usque ad festum Pasche proxime futurum etc. Teste me ipso apud Stryvelyn decimo die Novembris anno regni nostri decimo. Virtute cujus brevis datus est inde dies prefato Henrico de Percy per attornatum suum predictum usque idem festum Pasche apud Pikeryng in eodem statu quo nunc etc. Infra quod terminum apud Pikeryng coram prefatis Ricardo de Wylughby, et Johanne de Hambury Justiciariis etc. die Lune in secunda septimana Quadragesime venit predictus Henricus per attornatum suum predictum, et dominus Rex mandavit Justiciariis predictis breve suum clausum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie Justiciariis itinerantibus ad placita foreste in foresta Henrici Comitis Lancastrie de Pikeryng salutem. Volentes indemnitati dilecti et fidelis nostri Henrici de Percy qui in obsequio nostro in partibus Scocie moratur prospicere ut tenemur, vobis mandamus quod omnia placita in itinere predicto ipsum Henricum qualitercumque contingencia continuatis in eodem statu quo nunc sunt usque ad festum Sancti Michaelis proxime futurum. Teste me ipso apud Westmonasterium decimo die Marci anno regni nostri undecimo. Virtute cujus brevis datus est inde dies prefato Henrico per attornatum suum predictum usque idem festum

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from the King, one dated at Stirling, 10 November, 1336, another dated Westminster, 10 March, 1337, and the last dated Stamford, 28 June, 1337, the trial was eventually fixed for Tuesday, 15 September, 1338.

Sancti Michaelis apud Pikeryng coram prefatis Justiciariis etc. in eodem statu quo nunc etc. Infra quod terminum Sancti Michaelis apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. die Lune proximo post festum Sancti Mathei apostoli venit predictus Henricus de Percy per attornatum suum predictum, et dominus Rex mandavit prefatis Justiciariis breve suum clausum hic in hec verba [a similar writ of protection ending] usque ad festum Natalis Domini proxime futurum. Teste me ipso apud Staunford xxvii die Junii anno regni nostri undecimo. Virtute cujus brevis datus est dies inde prefato Henrico de Percy per attornatum suum predictum usque idem festum Natalis Domini apud Pikeryng coram prefatis Justiciariis etc. in eodem statu quo nunc etc.

Postea apud Pickeryng [317] die Lune proximo ante festum Dominice in Ramis Palmarum anno regni Domini Regis nunc duodecimo coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venit predictus Henricus de Percy per attornatum suum predictum, et datus est ei dies usque diem Martis proximum post festum Exaltacionis Sancte Crucis apud Pikeryng coram prefatis Justiciariis etc. ad predicta clania sua placitanda et prosequenda si sibi viderit expedire. Ad quem diem Martis proximum post festum Exaltacionis Sancte Crucis apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venit predictus Henricus de Percy in propria persona sua ad clania sua prosequenda, et dicit quod ipse et omnes antecessores sui tenentes manerium de Semere predictum a tempore quo non extat memoria tenuerunt manerium predictum extra regardum foreste predictae, et habuerunt wodewardum portantem arcum et sagittas et ad presentandum presentanda de venacione tantum, et habuerunt liberam warennam in manerio predicto ubique, et ibidem fugarunt et ceperunt vulpes, lepores, capriolos, catos et tessones tam infra coopertum quam extra, et eradicarunt brueram in inora de Semere \*sine visu forestariorum pro voluntate sua ubique\* predicta et illam vendiderunt et dederunt pro voluntate sua, et habuerunt in boscis de Semere forgeas et mineras, vaccarias et bercarias et agistarunt et habuerunt agistamenta infra manerium predictum de Semere sine visu forestariorum pro voluntate sua ubique in boscis, moris et alibi infra dictum manerium, et amputarunt et dederunt et vendiderunt boscum suum infra manerium suum

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On this day Henry de Percy appeared in person before the Justices, Richard de Willoughby and John de Hambury, and was ready to prove that he and all his ancestors holding the manor of Seamer have from time immemorial enjoyed the rights claimed above.

\* Between these words there is written *vacat* in Exchequer.

predictum sine visu forestariorum pro voluntate sua absque interruptione aliqua, et hoc paratus est verificare per ministros istius foreste etc. Ideo inquiratur inde veritas per eosdem. Qui scilicet forestarii, viridarii et regardatores ad hoc jurati dicunt super sacramentum suum quod predictus Henricus de Percy et omnes antecessores sui tenentes manerium predictum a tempore quo non extat memoria et sine interruptione aliqua tenuerunt predictum manerium de Semere cum pertinenciis ejusdem manerii extra regardum foreste, et habuerunt wodewardum portantem arcum et sagittas ad presentandum presentanda de venacione tantum, et habuerunt liberam warennam in manerio predicto ubique, et ibidem fugarunt et ceperunt vulpes, lepores, catos, capriolos et tessonnes tam infra coopertum quam extra, et eradicarunt brueram in mora et illam vendiderunt et dederunt pro voluntate sua, et habuerunt in boscis suis de Semere forgeas et mineras, vaccarias et bercarias, et agistarunt et agistamenta habuerunt infra manerium predictum ubique in boscis et moris et alibi infra dictum manerium, et amputarunt et dederunt et vendiderunt boscum suum infra manerium predictum sine visu forestariorum pro voluntate sua, sicut idem Henricus de Percy superius clamat. Et quia compertum est per veredictum ministrorum istius foreste quod idem Henricus de Percy et omnes antecessores sui tenentes manerium predictum habuerunt wodewardum suum portantem arcum et sagittas in boscis suis predictis qui sunt infra limites foreste predictae ad presentandum presentanda de venacione tantum, qui quidem wodewardus portans [317b] hujusmodi arcum et sagittas est contra assisam foreste et de facili cedere posset in destruccionem ferarum domini ejusdem foreste, maxime cum quilibet

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An inquiry is directed, and it is found that Henry de Percy and his ancestors holding the manor of Seamer have enjoyed the rights claimed from time immemorial without interruption. Since the verdict found that Henry de Percy and all his ancestors while holding the manor had their woodward carrying a bow and arrows in their woods within the forest to present offences of venison only, which is contrary to the assize of the forest and might easily tend to the destruction of the Earl's game, especially as by the assize of the forest each woodward ought to carry a hatchet only, and not a bow and arrow, so as to avoid all suspicion of poaching, and to present offences of vert as well as venison; since, moreover, it was also found that Henry de Percy and all his ancestors have hunted and taken roes\* at pleasure in his

\* From this word Serjeant Fleetwood, in his reading on the Pickering Eyre, at fol. 23, infers that in early times *goats* were hunted. A note, however, in Agarde's Index, CVI., fol. 103d, puts the matter right:—"Nota hic Capriolum dici bestiam de Warrena et ut credo illam esse bestiam quam Anglice vocamus a Roc."

wodewardus per assisam foreste portare debeat in foresta hachettum et non arcum et sagittas pro sinistra suspicione venacionis deponenda, ad presentandum tam de viridi quam de venacione. Et similiter comperitum est per eosdem quod idem Henricus de Percy et omnes antecessores sui predicti fugarunt et ceperunt capriolos in boscis suis predictis tam infra coopertum quam extra pro voluntate sua, que bestia est venacionis foreste, de qua transgressione\* inde convicti alias tempore quo foresta predicta fuit in manu† domini Edwardi quondam Regis Anglie avi domini Regis nunc fecerunt finem ut pro transgressione venacionis, prout manifeste liquet prefatis Justiciariis hic per recordum Willelmi de Vescy et sociorum suorum Justiciariorum dudum tempore dicti avi domini Regis nunc ad itinerandum ad placita foreste in Comitatu Eboracensi assignatorum de mandato dicti domini Regis nunc ad Cancellarium suum eis missa [? a Cancellaria sua eis missum]. ‡ Ideo quoad clamium predictum pro eo quod Justiciarii predicti nondum avisantur ad iudicium inde reddendum datus est dies eidem Henrico coram domino Rege in Crastino Animarum ubicumque etc. de audiendo inde iudicio suo, et dictum est eidem Henrico quod interim sequatur breve de venire faciendo inde recordum etc. Et quoad residuum clamiorum predictorum etc. consideratum est quod idem Henricus eat inde sine die, salvo semper jure etc. Postea dominus Rex mandavit prefato Ricardo de Wylughby breve suum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie dilecto et fideli suo Ricardo de Wylughby salutem. Cum vos et socii vestri Justiciarii nostri ad placita foreste in foresta Henrici Comitis Lancastrie de Pikeryng in Comitatu Eboracensi tenenda

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woods as well within the covert as without, which animal is a beast of the forest, for which offence poachers were convicted and fined when the forest was in King Henry's [?] hands, as clearly appears from the rolls sent from chancery of the Eyre of William de Vescy and his fellows appointed Justices in Eyre in the time of Edward I; the determination of this question is therefore removed into the Court of King's Bench, whose next sittings commenced on the morrow of All Saints, and Henry de Percy is in the meantime directed to sue out a writ of *venire facias recordum*, etc. The remainder of the claims are allowed. The writ was issued by Edward Duke of Cornwall and Earl of Chester, Keeper of England, dated Kennington, 16 October, 1338; and afterwards a writ of certiorari was also issued by the same Prince, dated

\* In Coram Rege Roll, 13 Edw. III., Hil. Term, r. 106, we find *transgressores*.

† I think that this was not the case, but the explanation seems to have been that the Eyre was temp. Edw. I., the offence temp. Henry III.

‡ *Sic* in Coram Rege Roll *ut supra*.

assignati quedam clamia de diversis libertatibus per dilectum et fidelem nostrum Henricum de Percy coram vobis et sociis vestris predictis in eadem foresta habendis facta propter quasdam difficultates in eisdem clamiis contentas\* coram nobis adjornaveritis ut accepimus, vobis mandamus quod si ita est omnia clamia predicta necnon recordum et processus inde coram vobis habita coram nobis ubicumque fuerimus in Anglia sub sigillo vestro sine dilacione mittatis juxta adjornamentum predictum hoc breve nobis remittentes. T. Edwardo Duce Cornubie, Comite Cestrie filio nostro carissimo Custode Anglie apud Kenyngton xvj die Octobris anno regni nostri duodecimo. Virtute cujus brevis clamia predicta necnon recordum et processus predicta mittuntur coram Rege ad diem predictum una cum brevi predicto. Postea dominus Rex mandavit prefato Ricardo de Wylughby quoddam aliud breve clausum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie dilecto et fideli suo Ricardo de Wylughby salutem. Volentes certis de causis cerciorari super clamiis per dilectum et fidelem nostrum Henricum de Percy coram vobis et sociis vestris nuper Justiciariis nostris ad placita foreste in foresta dilecti et fidelis nostri Henrici Comitis Lancastrie de Pikeryng tenenda assignatis de diversis libertatibus in eadem foresta habendis appositis, et de recordo et processu inde habitis ac eciam [318] de allocacionibus inde factis, vobis mandamus recordum et processum super clamiis predictis et allocacionibus inde factis coram vobis et sociis vestris predictis habita cum omnibus ea tangentibus nobis in Cancellariam nostram sub sigillo vestro distincte et aperte sine dilacione mittatis et hoc breve. T. Edwardo Duce Cornubie et Comite Cestrie filio nostro carissimo Custode Anglie apud Berkhamsted xxv die Aprilis† anno regni nostri terciodecimo. Pretextu cujus brevis clamia predicta allocata mittuntur coram domino Rege in Cancellariam suam una cum brevi predicto.

[It may not be out of place here to interpose the conclusion of the

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at Berkhamstead, 25 April, 1339, by virtue of which the claim was removed into the Court of King's Bench.

On the 3rd November, 1338, Henry de Percy appeared by John de Kirkby, his attorney, in the Court of King's Bench, and the 26th January, 1339, was appointed for giving judgment, on which day he appeared in his own person and asked for judgment in accordance with the verdict. After examining the claims and the record, and after full argument and consideration with the Chancellor, Treasurer, Justices and others of the King's Council, judgment was eventually given that although in the time of Edward I., when the forest was in the King's‡

\* In the Coram Rege Roll, 13 Ed. III., Hil. Term, Ro. 106, we find *interveniētes*.

† This was after judgment had been given. See *post*. ‡ See note, p. 169.



Coram Rege Roll above referred to, which, after reciting the proceedings at Pickering, continues in these words] :—

Ad quem diem coram domino Rege venit predictus Henricus per Johannem de Kyrkeby attornatum suum, et datus est ei dies coram domino Rege a die Sancti Hillarii in xv dies ubicumque etc. de audiendo inde iudicio suo. Ad quem diem coram domino Rege venit predictus Henricus in propria persona sua, et petit quod Justiciarii hic procedant ad iudicium inde reddendum secundum tenorem veredicti predicti. Et super hoc visis et examinatis clameis ac recordo et processu predictis et habito inde tractatu et diligenti diliberacione cum Cancellario, Thesaurario, Justiciariis et aliis de consilio domini Regis, quod licet tempore domini Edwardi quondam Regis Anglie, avi domini Regis nunc, quo tempore predicta foresta fuit in manu ipsius avi domini Regis nunc, transgressores qui convicti erant de capcione capriolorum fecerunt finem pro transgressione venacionis foreste, prout per recordum predicti Willelmi de Vescy et sociorum suorum est compertum, videtur tamen Justiciariis hic et consilio domini Regis quod caprioli sunt bestie de warena et non de foresta, eo quod fugant alias feras de foresta ; et ex quo compertum est per veredictum predictum quod predictus Henricus de Percy et omnes antecessores sui tenentes manerium de Semere a tempore quo non extat memoria et sine interrupcione aliquali fugaverunt in boscis suis predicti manerii tam infra coopertum quam extra, et ceperunt capriolos pro voluntate sua, et eciam habuerunt in boscis suis ejusdem manerii wodewardum suum portantem arcum et sagittas ad presentandum presentanda de venacione tantum, et non est compertum in eodem veredicto quod idem wodewardus aliquam destruccionem ferarum ejusdem foreste aut aliquod aliud malum in eadem foresta fecit, ideo dictum est eidem Henrico quod eat inde sine die salvo jure etc.

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hands, certain offenders who had been convicted of taking roes in the forest were fined for poaching, as appears by the rolls of William de Vescy and his fellows, yet it appears to the Justices and the King's Council that roes are beasts of the warren, not of the forest, because they fly from other beasts of the warren. Again, since it was found by the verdict that Henry de Percy and all his ancestors while holding the manor of Seanier from time immemorial and without interruption, have hunted in his woods of the manor as well within the covert as without, and taken roes at pleasure, and also had a woodward in his woods of the same manor carrying a bow and arrows to present offences of venison only, and it was not found that the woodward had destroyed the game or done any other evil in the forest, the claims are therefore allowed.

Ballivi et Communitas burghi de Scardeburgh clamant quod Justiciarii itinerantes ad placita foreste veniant in burgo de Scardeburgh ad omnia placita foreste et omnes querelas foreste ipsos tangencia ibidem placitanda et terminanda, et esse quieti de chiminagio per totam forestam de Pikeryng, et clamant predictum burgum et manerium de Whallesgrave esse extra regardum et deafforestata, et quod nullus forestarius nec minister foreste vel aliquis alius preter ipsos burgenses intromittant se de aliquibus attachiamentis, summonicionibus aut districcionibus faciendis infra manerium predictum pro aliqua re ad forestam pertinente, et similiter quod si aliquis predictorum burgensium rettati, indictati aut attachiati fuerint pro venacione vel alia transgressione foreste, quod liceat eis se defendere de transgressionibus illis per sacramentum triginta et sex hominum coram quibuscumque Justiciariis de foresta, nisi per viridarios aut forestarios de feodo inventi fuerint cum manuopere, et dicunt quod dominus Henricus quondam Rex Anglie, progenitor domini Regis nunc, per cartam suam concessit burgensibus ville predictae quod Justiciarii itinerantes ad placita foreste veniant in burgo predicto ad omnia placita foreste et omnes querelas foreste ibidem [? ipsos] tangencia ibidem placitanda et terminanda, et similiter dominus Henricus proavus domini Regis nunc, per cartam suam similiter concessit burgensibus predictis quod si aliquis predictorum burgensium rettati, indictati aut attachiati fuerint pro venacione vel aliqua transgressione foreste, quod liceat eis se defendere de transgressionibus illis

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The bailiffs and commonalty of Scarborough claim that the Justices in Eyre of the forest ought to come to the borough of Scarborough to hear and determine all pleas and other matters relating to the forest, and that they ought to be quit of cheminage throughout the whole forest of Pickering, and that the said borough and the manor of Falsgrave are outside the regard and disafforested, and that no forester or officer of the forest or anyone else except the burgesses themselves ought to intermeddle by making any attachments, summonses, or distrains for matters relating to the forest within the manor, and likewise that if any of the burgesses are accused, indicted or attached for poaching or any other forest offence, they may purge themselves by the oath of thirty-six men before the Justices of the Forest, whoever they be, unless they are caught in the act by the verderers or foresters of fee. They say that King Henry II. granted by deed to the burgesses of the town that the Justices in Eyre of the Forest should come into the borough to hear and determine all pleas and complaints relating to them, and likewise that King Henry III. granted to the burgesses that any of them who might be accused, indicted or attached for poaching or any other offence of the

per sacramentum triginta et sex hominum coram quibuscumque Justiciariis de foresta nisi per viridarios aut forestarios de feodo inventi fuerint cum manuopere. Quas quidem concessiones dominus Edwardus quondam Rex Anglie, pater domini Regis nunc, illas recitando concessit et confirmavit; et dicunt quod virtute cartarum predictarum ipsi usi fuerunt libertatibus predictis tempore quo foresta et castrum predicta fuerunt in manu progenitoris domini Regis nunc; et dicunt quod pretextu cartarum predictarum Willelmus de Vescy et socii sui Justiciarii domini Edwardi avi domini Regis nunc itinerantes ad placita foreste venerunt apud Scardeburgh ad omnia placita foreste et omnes querelas ejusdem foreste ipsos tangencia ibidem placitanda et terminanda, et burgenses rettati, indictati seu attachiati pro transgressione venacionis vel pro alia transgressione foreste admissi fuerunt ad se defendendos per sacramentum triginta et sex hominum, nisi per viridarios aut forestarios de feodo inventi fuerint cum manuopere ut predictum est, et de hoc vocat recordum rotulorum predictorum [318b] in Thesaurario domini Regis existencium. Dicunt eciam quod idem Henricus progenitor domini Regis nunc concessit eis quod ipsi essent quieti de chiminagio per totam forestam predictam, et quod tenerent predicta burgum et manerium extra regardum foreste, et quod nullus forestarius nec minister foreste vel aliquis alius preter ipsos burgenses se intrmitterent de aliquibus attachiamentis aut districcionibus faciendis infra manerium predictum pro aliqua re ad forestam pertinente, per cartam

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forest, might purge themselves by the oath of thirty-six men before the Justices, whoever they might be, unless they were caught in the act by the verderers or foresters of fee. These grants Edward II. inspected and confirmed, and they have enjoyed the liberties so granted from the time when the castle and forest were in the hands of the Kings of England. For instance, William de Vescy and his fellow Justices in Eyre of the forest appointed by Edward I. came to Scarborough to hear and determine all pleas and complaints of the forest relating to them, and all the burgesses accused, indicted or attached for poaching or any other forest offence were permitted to purge themselves by the oath of thirty-six men, unless they were caught in the act by the verderers or foresters of fee. They refer to the rolls of the Eyre then in the King's Treasury. Further they say that Henry II. granted to them by deed to be quit of cheminage throughout the whole forest, and to hold the said borough and manor outside the regard of the forest, and that no forester or officer of the forest or anyone else except the burgesses themselves should intermeddle by making any attachments or distrains within the manor in respect of any forest offence. They produce the deed and say that by virtue of all the

ipsius progenitoris quam hic proferunt et que hoc testatur. Virtute quarum cartarum ipsi et eorum antecessores, burgenses ville predictæ, semper a tempore predicto usque nunc usi sunt et gavisii libertatibus predictis absque interruptione aliquali, et de hoc ponunt se super ministros ejusdem foreste. Et super hoc datus est eis dies apud Pikeryng coram eisdem Justiciariis die Lune proximo post festum Sancti Gregorii Pape de habendo recordum predictum si etc., et residuum clamii sui interim remaneat inquirendum etc. Ad quem diem apud Pikeryng venerunt Ballivi et Communitas predicta et nondum habent recordum etc., et datus est dies apud Pikeryng etc. die Lune proximo post mensem Pasche et dictum est eis quod interim sequantur recordum si etc. Ad quem diem apud Pikeryng coram prefatis Ricardo et Johanne Justiciariis etc. venerunt Ballivi et Communitas predicta, et super hoc datus est eis dies usque diem Martis proximum post tres septimanas Sancti Michaelis apud Pikeryng coram prefatis Justiciariis etc. et dictum est eis quod interim sequantur recordum. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Shardelowe venerunt predicti Ballivi et Communitas predicta et nondum habent recordum etc., et deinde datus est eis inde dies apud Pikeryng coram prefatis Justiciariis usque diem Jovis proximum post octabas Purificacionis beate Marie et interim sequantur recordum etc. Ad quem diem apud Pikeryng coram prefatis Johanne de Hambury et Ricardo de la Pole posito loco predicti Johannis de Shardelowe unius Justiciariorum ad itinerandum etc. assignatorum per diversa brevia etc. que alibi irrotulantur etc. venerunt predicti Ballivi et Communitas et nondum habent recordum etc., et deinde datus est eis inde dies apud Pikeryng coram prefatis Justiciariis etc. usque diem Mercurii proximum post festum Ascensionis Domini et interim sequantur recordum etc. Ad quem diem [Again, as at p. 72, *ante*, a statement that the Eyre abated and that the Bailiffs were summoned for the Monday next after St. Andrew's Day] ad quem diem Lune proximum post festum Sancti Andree apostoli apud [319b] Pikeryng coram prefatis Ricardi de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicti Ballivi et Communitas per breve domini Regis sub testimonio Ricardi de Wylughby etc. resummoniti et nondum habent recordum etc. et deinde datus est eis dies apud Pikeryng coram prefatis Justiciariis usque diem

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deeds they have enjoyed without interruption from the dates thereof the several liberties claimed. They are directed to produce the rolls on Monday, 13 March, 1335, and the claims are adjourned. Neither on that day nor on the several sittings of the Court up to Tuesday, 15 September, 1338, were the bailiffs and commonalty able to obtain and produce the original rolls as on each occasion they had been

Lune in secunda septimana Quadragesime et interim sequantur recordum etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc., venerunt predicti Ballivi et Communitas et nondum habent recordum etc., et super hoc datus est eis dies apud Pikeryng coram prefatis Justiciariis usque diem proximum post festum Sancti Mathei apostoli et interim sequantur recordum etc. Ad quem diem apud Pikeryng coram Ricardo de Wilughby et Johanne de Hambury Justiciariis etc. venerunt predicti Ballivi et Communitas et nondum habent recordum etc., et super hoc datus est eis dies apud Pikeryng coram prefatis Justiciariis usque diem Lune proximum post festum Dominice in Ramis Palmarum apud Pikeryng et interim sequantur recordum etc. Ad quem diem apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury Justiciariis etc. venerunt predicti Ballivi et Communitas et nondum habent recordum etc., et super hoc datus est eis dies apud Pikeryng coram prefatis Justiciariis etc. usque diem Martis proximum post festum Exaltacionis Sancte Crucis, et dictum est eis quod interim sequantur recordum etc. Ad quem diem Martis proximum post festum Exaltacionis Sancte Crucis apud Pikeryng coram prefatis Ricardo de Wylughby et Johanne de Hambury venerunt predicti Ballivi et Communitas per attornatum suum et proferunt quoddam breve domini Regis Justiciariis hic directum in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie dilectis et fidelibus suis Ricardo de Wylughby et sociis suis, Justiciariis itinerantibus ad placita foreste in foresta de Pikeryng in Comitatu Eboracensi, salutem. Cum per cartam domini Henrici quondam Regis Anglie proavi nostri concessum sit burgensibus nostris de Scardeburgh et hominibus manerii nostri de Wallesgrave quod si aliquis burgensium predictorum vel hominum aut heredum suorum rettati, indictati vel attachiati fuerint de venacione vel alia transgressionem foreste, liceat eis se defendere de transgressionibus illis per sacramentum triginta et sex hominum coram quibuscumque Justiciariis de foresta, nisi per viridarios aut forestarios de feodo inventi fuerint cum manuopere, sicut se defendunt de omnibus appellacionibus eis factis, nisi de corpore Regis, prout in carta predicta plenius continetur; ac nos nuper ad prosecucionem eorundem burgensium et

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directed to. At the last-mentioned sittings they appear and produce a writ from the King to Richard de Willoughby and the other Justices of the forest of Pickering, in which, after reciting that Henry III. had by deed granted to the burgesses of Scarborough and the tenants of the manor of Falsgrave that if any of them was accused, indicted or attached for poaching or any other forest offence, he might purge

hominum nobis suggerencium eandem libertatem eis coram Willelmo de Vescy et sociis suis nuper Justiciariis domini Edwardi quondam Regis Anglie, avi nostri, itinerantibus ad placita foreste in Comitatu Eboracensi allocatam fuisse juxta tenorem carte supradicte, vosque eandem libertatem eisdem burgensibus et hominibus allocare distulisse, mandaverimus dilecto et fideli nostro Radulpho de Nevill, Capitali Justiciario suo [? nostro] itineranti quod [? ad] placita foreste in dicto Comitatu Eboracensi quod scrutatis rotulis predicti Willelmi de itinere predicto, qui ei per Thesaurarium et Camerarios nuper liberati fuerunt, et in custodia sua sic extiterunt, [320] tenorem recordi et processus allocacionis libertatis predicte coram prefato Willelmo et sociis suis predictis eisdem burgensibus et hominibus facte, nobis in Cancellaria nostra sub sigillo suo distincte et aperte mitteret, mittimus vobis sub pede sigilli nostri tenorem recordi et processus allocacionis libertatis predicte coram nobis in Cancellaria nostra per predictum Radulphum de mandato nostro predicto missum; mandantes quod eo inspecto ulterius ad prosecutionem eorundem burgensium et hominum in hac parte fieri faciatis quod de jure fuerit faciendum. Teste me ipso apud Sanctum Edmundum vj die Junii anno nostri duodecimo.

Breve per quod recordum et processus allocacionis libertatis predicte venit in Cancellariam sequitur in hec verba. Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitannie dilecto et fideli suo Radulpho de Nevill Capitali Justiciario itinerante [*sic*] ad placita foreste in Comitatu Eboracensi, salutem. Cum per cartam domini Henrici quondam Regis Anglie proavi nostri concessum sit burgensibus nostris de Scardeburgh et hominibus manerii nostri de Wallesgrave quod si aliquis predictorum burgensium vel hominum aut heredum suorum rettati, indictati vel attachiati fuerint de venacione vel alia transgressione foreste, liceat eis se defendere de transgressioni-

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himself before any Justices of the forest whatsoever by the oath of thirty-six men, unless he was caught in the act by the verderers or foresters of fee, in the same manner as he might purge himself of all appeals except such as concern the King's person, and that the burgesses alleged that this claim had been allowed before William de Vescy and his fellow Justices of the Forest in the time of Edward I.; while the present Justices were delaying the allowance of it, the King directed Ralph de Nevill, Chief Justice of the Forest, then on circuit in Yorkshire, to examine the rolls of the Eyre of William de Vescy which had been lately delivered to him by the Treasurer and Chamberlains, and were then in his custody, and to send an exemplification of the record into the King's Chancery.

bus illis per sacramentum triginta et sex hominum coram quibuscumque Justiciariis de foresta, nisi per viridarios aut forestarios de feodo inventi fuerint cum manuopere, sicut se defendunt de omnibus appellationibus eis factis, nisi de corpore Regis, prout in carta predicta plenius continetur; ac jam ex parte eorundem burgensium et hominum nobis sit ostensum, quod licet eadem libertas eis coram Willelmo de Vescy et sociis suis nuper Justiciariis domini Edwardi quondam Regis Anglie, avi nostri, itinerantibus ad placita foreste in Comitatu Eboracensi allocata fuisset juxta tenorem carte sue predicte, dilecti tamen et fideles nostri Ricardus de Wylughby et socii sui nunc Justiciarii nostri itinerantes ad placita foreste in foresta de Pikeryng in Comitatu predicto eandem libertatem eisdem burgensibus et hominibus hactenus allocare distulerunt in ipsorum burgensium et hominum dispendium non modicum et gravamen. Super quo nobis supplicarunt sibi per nos remedium adhiberi. Nos advertentes expediens esse quod predictus Ricardus et socii sui predicti super recordo et processu allocacionis libertatis predictae coram prefato Willelmo et sociis suis predictis eisdem burgensibus et hominibus facte ea de causa cerciorentur, vobis mandamus quod scrutatis rotulis predicti Willelmi de itinere predicto, qui vobis per Thesaurarium et Camerarium nostros nuper liberati fuerunt et in custodia vestra sic existunt ut dicitur, tenorem recordi et processus allocacionis hujusmodi nobis in Cancellariam nostram sub sigillo vestro distincte et aperte mittatis et hoc breve, ut ulterius in hac parte fieri faciamus quod de jure fuerit faciendum. Teste me ipso apud Westmonasterium xiiij die Julii anno regni nostri undecimo.

Quod quidem breve sic indorsatur:—Pretextu cujus brevis scrutari fecimus rotulos de itinere Willelmi de Vescy et sociorum suorum Justiciariorum itinerantium ad placita foreste in Comitatu Eboracensi in custodia nostra existencium [? existentes], et tenorem recordi et

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This exemplification the King sent on to Richard de Willoughby and directed him, after inspecting it, to do justice to the burgesses. The writ was dated St. Edmunds, 6 June, 1337. The writ to Ralph de Nevill, directing him to send the exemplification into the King's Chancery, followed. It was in similar terms, dated at Westminster, 14 July, 1337. It bore this indorsement: By virtue of this writ we have caused to be inspected the rolls of the Forest Eyre in the County of York of William de Vescy and his fellows which are in our custody, and an exemplification of which we send sewn to this writ. The following is the record of the Pleas of the Forest held at Scarborough in 1285-1286 before Sir William de Vescy, Sir Thomas de Normanville and Sir Richard de Crepping, Justices of the Forest itinerant in the County

processus allocacionis facte burgensibus et hominibus infra scriptis in itinere predicto vobis [320b] mittimus in quodam rotulo huic brevi consuto, prout dictum breve requirit. Qui quidem tenor recordi et processus allocacionis predictae sequitur in hec verba.

Placita foreste apud Scardeburgh anno regni Regis Edwardi xiiij<sup>o</sup> coram dominis Willelmo de Vescy,\* Thoma de Normanvilla et Ricardo de Crepping, Justiciariis itinerantibus ad placita foreste in Comitatu Eboracensi, placitata per viridarios et forestarios subscriptos videlicet per Adam filium Radulphi de Roston et Galfridum filium Bartholomei de Scalby, viridarios, Rogerum le Bygot Comitem Norfolcie et Marescallum Anglie, Forestarium feodi et sub ipso Thomam de Edbreston, Robertum de Harewode, Robertum de Seteryngton, Rogerum Buchard, Willelmum Godeworld, Robertum del Frith, Ricardum filium Andree, Rogerum de Toftes et Nicholaum de Levesham forestarios juratos. Qui quidem Comes forestarius de feodo et subforestarii sui predicti non responderunt de aliqua presentacione transgressionis venacionis nec viridis nec aliquo attachiamento facto de eisdem transgressionibus, ideo de ipso Comite loquendum est cum Rege, quia Baro.

Presentatum est et convictum per forestarios et viridarios quod Walterus de Lithebek mortuus, Ricardus Swan, Adam de Lythum exigatus, Richerus Haldayn mortuus et alii ignoti fuerunt in foresta domini Regis in Crastino Purificacionis beate Marie Virginis anno regni Regis Henrici hoc [?] in Haia de Scalby et ceperunt unum capriolum, et habuerunt. [? Henricus] Thaurus adduxit unum equum carcatum de

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of York by the verderers and foresters mentioned, namely, Adam, son of Ralph de Ruston, and Geoffrey, son of Bartholomew de Scalby, verderers, Roger le Bygot, Earl of Norfolk and Earl Marshall, forester of fee, and under him Thomas de Ebberston, Robert de Harwood, Robert de Settrington, Roger Buchard, William Goodworld, Robert del Frith, Richard son of Andrew, Roger de Tofts, and Nicholas de Levisham, sworn foresters. The Earl as forester of fee and his under foresters refused to present any offences of venison or vert, or to make any attachment thereupon. The Earl being a Baron must answer for this before the King himself.

Walter de Lithebeck (deceased), Richard Swan, Adam de Upleatham (put in exigent), Richard Haldane (deceased), and others unknown, were presented for that on 3rd February, in the reign of Henry III., they took a roe in Scalby Hay. One Henry Bull, who was not to be found

\* In the Printed Calendar of Patent Rolls, 1281-1292, pp. 187, 220, 252, we find the same Justices appointed to hold Forest Eyres in the Counties of Cumberland, Northampton, Nottingham, and Lancaster.



venacione ad domum Matillis la Beriere in Scardeburgh, qui predictus Henricus non est inventus nec habet terram etc., nec aliquis etc., ideo exigatur. Et predicta Matillis venit et dicit quod predicta presentacio ei non debet nocere, pro eo quod dominus Rex concessit burgensibus suis de Scardeburgh et heredibus eorum hanc libertatem, quod si quis burgensium vel hominum manerii de Waldesgrave arrentatus [? rettatus] aut attachiatus fuerit de venacione vel alia transgressione foreste, liceat eis se defendere de transgressionibus predictis per sacramentum triginta et sex hominum coram quibuscumque Justiciariis de foresta, nisi inventus fuerit per forestarios aut viridarios de feodo [*sic*] cum manuopere, et burgenses proferunt cartam Regis Henrici que hoc testatur. Et quia predicta Matillis non fuit inventa cum manuopere sicut predictum est, ideo concessum est ei quod se acquietet modo predicto, et postea venit et fecit finem pro sacramento relaxando pro dimidia marca per plegium Thome de Wandesford et Roberti Beaufront.

Presentatum . . . . quod die Jovis proximo ante Natale Domini fuerunt quatuor homines extranei in bosco de Aton et ceperunt unum cervum et exierunt mane de domo Gregorii de Suthfeld mortui; ideo de eo nichil et de quatuor ignotis nichil potest fieri etc.

Presentatum . . . . quod Reynus Lagan mortuus, Willelmus Larcher de Uskelf et Simon de Heselslak ceperunt unum cervum in Haia predicta die Mercurii proximo ante festum Sancti Johannis de Beverlaco anno supradicto, qui predictus Simon est alibi exigatus et Willelmus le Archer est alibi in presentacione.

and is therefore outlawed, loaded it on a horse and led it to the house of Matilda la Beriere in Scarborough. Matilda appears and pleads the claim of the burgesses of Scarborough. As it was not found that she had been caught in the act she was permitted to acquit herself in the accustomed manner. Afterwards the obligation of offering the oath is remitted in consideration of a fine of 6<sup>s</sup> 8<sup>d</sup>. Sureties, Thomas de Wandesford and Robert Beaufront.

Four strangers were presented for having on the Thursday before Christmas taken a stag in Ayton Wood. They had started in the morning from the house of Gregory de Suffield. He is dead and the strangers are unknown, so nothing can be done.

Reynus Logan (deceased), William the Archer of Uskelf,\* and Simon de Hazelslack were presented for having on the Wednesday before the feast of St. John of Beverley taken a hart in Scalby Hay. William is presented for another offence and Simon is put in exigent.

\* Very little reliance can be placed on the orthography of these names. There were two chances of error, first, when fourteenth-century scribes copied the original thirteenth-century rolls, next when fifteenth-century scribes copied the fourteenth-century copy.

Presentatum . . . . quod Johannes filius prepositi de Semere visus fuit cum aliis malefactoribus de venacione causa malefaciendi de venacione, qui venit [321] coram Justiciariis et super hoc convictus liberatur prisone. Postea venit et finem fecit per x<sup>s</sup> et invenit etc.

Presentatum . . . . quod die Sancti Thome apostoli anno predicto Nicholaus Harel et Thomas Boye mortui et viij alii extranei fuerunt in foresta apud Blaklisgate et occiderunt duos cervos et quo duxerunt venacionem nescitur. De viij extraneis nichil potest fieri et de aliis ut supra, ideo nichil de eis etc.

Presentatum . . . . quod Willelmus filius Thome de Eketon, Willelmus Thumbe alibi redemptus de Trollesdale, Rogerus de Hoton fuerunt consueti malefactores de omnibus feris domini Regis in Haia predicta, qui non venerunt nec prius etc., set Willelmus, Willelmus et Rogerus manent in Comitatu Eboracensi, ideo preceptum est vicecomiti etc. Et Rogerus non est inventus nec aliquid habet etc., nec scitur etc., nec aliquis etc., ideo exigatur, et predictus Willelmus filius Thome de Oketon [*sic*] est redemptus apud Whiteby.

Presentatum . . . . quod Willelmus de Boyvill mortuus, Walterus de Grendale mortuus, Adam de Lythum exigatus et Willelmus le Archer qui presentatus est alibi die Jovis proximo ante Dominicam Palmarum anno predicto occiderunt unam bissam et asportaverunt venacionem Johanni Mortimer de Eketon, Constabulario Castri de Scardeburgh, qui mortui sunt, ideo de eis nichil.

Presentatum . . . . quod Willelmus le Latymer pater et Willelmus de Boyvill, Johannes Mygnot mortuus et Robertus de Hasthorp die Mercurii proxime sequenti ceperunt duos capriolos in Haia predicta et

John son of the reeve of Seamer was seen in company with poachers for the purpose of poaching. Fined 10<sup>s</sup>.

Nicholas Harel and Thomas Boye (both deceased) and eight strangers on the feast of St. Thomas killed two harts in the forest at Blackleys gate; but where they took the game no one knows. Nothing done.

William son of Thomas of Egton, William Thumb of Trollesdale (fined elsewhere), and Roger de Hutton were accustomed to poach in Scalby Hay. Roger is put in exigent, and William son of Thomas of Egton is fined at Whitby.

William de Boyvill (deceased), Walter de Grendale (deceased), Adam de Upleatham (put in exigent), and William the Archer (indicted elsewhere), on the Thursday before Palm Sunday killed a hind and carried it to John Mortimer of Egton, Constable of Scarborough Castle (deceased). Nothing done.

William le Latimer, senior, William de Boyvill, John Mignot (deceased), and Robert de Hasthorp, on the following Wednesday took

eos adduxerunt ad predictum castrum; qui predictus Robertus non venit nec prius etc., set testatum est quod manet in Comitatu Eboracensi, ideo preceptum est vicecomiti etc. Postea venit predictus Robertus coram Justiciariis et super hoc convictus liberatur prisone. Postea venit et fecit finem per j marcam et invenit manucaptors ut patet etc.

Presentatum . . . quod die Sabbati proximo post Ascensionem Domini anno predicto Rogerus de Comergesheved alibi redemptus, Ricardus Swan mortuus occiderunt unam bissam apud Foulwode-hepping in foresta, et asportaverunt quo voluerunt, ideo ut supra, et Ricardus de Tweng alibi redemptus recepit partem dicte venacionis, ideo de eo ut supra.

Presentatum . . . quod Rogerus de Comergesheved et alii ignoti, alibi redempti, occiderunt unum cervum apud Duntweth die Sabbati in septimana Pasche anno eodem et eum asportaverunt ad domum Ricardi de Tweng, qui alibi omnes sunt redempti, ideo de eis nichil.

Presentatum . . . quod Patricius de Westerdale et Walterus de Lythebek mortui et alii ignoti fuerunt consueti malefactores de venacione domini Regis et fuerunt recepti ad domum predicti Ricardi de Tweng superius redempti et ad domum Ricardi Pa in Scardeburgh, qui predictus Ricardus Pa venit coram Justiciariis et paratus est se acquietare per triginta et sex homines secundum tenorem carte predicte pro eo quod non fuit inventus cum manuopere cum [? per] viridarios et forestarios, et concessum est quod se acquietet, ideo venit et fecit finem pro sacramento relaxando pro j marca per plegium Henrici de Roston et Roberti Hamund; ideo ipse inde quietus pro fine predicto.

two roedeers in the Hay and carried them to the Castle. Robert is fined 13<sup>s</sup> 4<sup>d</sup>.

Roger de Comergeshead (fined elsewhere) and Richard Swan (deceased) killed a hind at Fullwood hepping [?] on the Saturday after Ascension Day and carried it whither they would, and Richard de Tweng (fined elsewhere) received part of it.

Roger de Comergeshead and others unknown killed a hart at Duntweth on Saturday in Easter week and carried it to the house of Richard de Tweng.

Patrick de Westerdale and Walter de Lythebeck (both deceased), were confirmed poachers and were harboured by Richard de Tweng and Richard Pa of Scarborough. The latter appears and makes his claim as a burgess of Scarborough. When his claim is allowed he pays a fine of 13<sup>s</sup> 4<sup>d</sup> to be let off offering the oath. Sureties, Henry de Ruston and Robert Hamond.

Presentatum . . . quod Johannes Hamund de Scardeburgh et alii fuerunt consueti malefactores de venacione domini Regis; qui predictus Johannes venit coram Justiciariis et optulit se acquietare per [321b] sacramentum suum et triginta et sex hominum quia non inventus fuit cum manuopere per viridarios et forestarios sicut continetur in carta predicta; ideo consideratum est quod se acquietet modo predicto; qui venit et se acquietavit ut predictum est; ideo ipse inde quietus.

Presentatum . . . quod Johannes de Lymbergh fuit receptator Rogeri de Comergesheved et aliorum malefactorum de venacione cum malefactis suis; qui venit coram Justiciariis et optulit se acquietare per sacramentum triginta et sex hominum ut supra eo quod non fuit inventus etc., secundum tenorem cartarum predictarum etc., et concessum est ei quod acquietet se modo predicto. Postea venit et fecit finem pro sacramento relaxando pro xx<sup>s</sup> per plegium Henrici de Roston et Roberti Pa. Ideo quietus pro fine predicto de sacramento et transgressione predictis.

Presentatum . . . quod Thomas le Salter de Scardeburgh et Rogerus Farman de eadem fuerunt consueti malefactores de venacione et receptatores. Qui venerunt coram Justiciariis et se optulerunt acquietare quilibet per triginta et sex homines, quia non fuerunt inventi cum manuopere etc., et concessum est eis quod se acquietent modo predicto. Postea venit Thomas et finem fecit pro j marca per plegium Johannis Salter et Willelmi Salter, et Rogerus pro dimidia marca per plegium Simonis Gell de Scardeburgh et Johannis Upsete de eadem pro sacramento relaxando. Ideo ipsi quieti pro finibus predictis de sacramento et transgressione predictis.

John Hamond of Scarborough and others were confirmed poachers. The first-named appears and offers to acquit himself by the oath of thirty-six men. He is permitted to do so, and does acquit himself in this manner.

John de Lymburgh harboured Roger de Comergeshead and other poachers. He appears and offers to acquit himself by the oath of thirty-six men, and is permitted to do so. Afterwards he compounds for a fine of £1. Sureties, Henry de Ruston and Robert Pa.

Thomas the Salter of Scarborough and Roger Foreman\* of the same place are confirmed poachers and harbourers of poachers. They both claim the usual right and their claims are allowed. Afterwards they compound, Thomas for 13<sup>s</sup> 4<sup>d</sup>; sureties, John Salter and William Salter; Roger for 6<sup>s</sup> 8<sup>d</sup>; sureties, Simon Gell and John Upset, both of Scarborough.

\* It has been suggested to me by my friend Mr. William Brown that Foreman is the Yorkshire equivalent of prepositus. At Vol. II., N.S., pp. 47 and 48, we do find the name Reeve.

Presentatum . . . quod Rogerus de Kitelwell et Johannes Hamond de Scardeburgh fuerunt in foresta super Elhale et bersaverunt unam bissam anno predicto. Qui venerunt et optulerunt se acquietare ut supra, ideo concessum est ut supra; qui predictus Rogerus venit et acquietavit se per xxxvj ut supra, ideo quietus etc., et predictus Johannes fecit finem pro dimidia marca pro sacramento relaxando; ideo ipse quietus de sacramento et transgressione predictis per plegium Johannis de Horneby de Scardeburgh et Johannis de Neuton de eadem.

Presentatum . . . quod Adam Ughtred de Scardeburgh et Stephanus Trenchemere de eadem fuerunt receptatores malefactorum de venacione, qui venerunt coram Justiciariis et optulerunt se acquietare ut supra; qui predictus Adam venit et finem fecit pro j marca per plegium Thome Salter de Scardeburgh et Willelmi filii Johannis de Everley; Stephanus per plegium Johannis filii Benedicti et Willelmi de Hany de Scardeburgh.

Et quia predicti viridarii nichil responderunt de transgressionibus venacionis factis in foresta de anno regni Regis Henrici xlviij, xlix et l,\* ideo committuntur prisone et educti de prisona venerunt et fecerunt finem, scilicet Adam filius Radulphi pro xx<sup>s</sup>, et Galfridus filius Bartholomei pro xl<sup>s</sup>; et quilibet eorum invenit manucaptors ut patet etc.

Unde petunt iidem Ballivi et Communitas quod Justiciarii predicti juxta allocacionem predictam eis alias factam veniant apud Scarde-

Roger de Kettlewell and John Hamond, of Scarborough, hunted a hind in the forest above Ebhall. They appear and offer to acquit themselves. Roger acquits by the oath of thirty-six, and John compounds for a fine of 6<sup>s</sup> 8<sup>d</sup>. Sureties, John de Hornby and John de Newton, both of Scarborough.

Adam Ughtred and Stephen Trenchemere, both of Scarborough, are harbourers of poachers. They appear and offer to acquit themselves as above. Adam compounds for a fine of 13<sup>s</sup> 4<sup>d</sup>; sureties, Thomas Salter of Scarborough, and William son of John de Everley. Stephen's sureties are John son of Benet, and William de Hany, of Scarborough.

As the verderers did not return any offences of venison during the years 1263, 1264 and 1265 they are sentenced to imprisonment and released, Adam son of Ralph on payment of a fine of £1, and Geoffrey son of Bartholomew of £2. They find sureties.

This being a record that their claim was allowed the bailiffs and

\* *i.e.*, Until the forest passed out of the King's hands by virtue of the grant to Edmund Crouchback.

burgh ad omnia placita foreste et omnes querelas foreste ipsos tangencia placitanda et terminanda, et si aliquis burgensium predictorum rettati, indictati seu attachiati fuerint pro venacione vel alia transgressione [\* foreste, quod liceat eis se defendere de transgressionibus] illis per sacramentum xxxvj hominum coram quibuscumque Justiciariis de foresta, nisi per viridarios aut forestarios inventi fuerint cum manuopere prout superius clamant. Et quia inspecto recordo predicto compertum est quod burgenses predicti admissi fuerunt ad [322] se defendendos pro transgressione venacionis per sacramentum xxxvj hominum coram Justiciariis de foresta prout superius clamant, ideo quoad hoc et residuum clamiorum suorum remaneant ad presens per defectum die astematis† habeant inde libertatem. Et super hoc venerunt Willelmus filius Rogeri Carpentarii senioris, Johannes filius Rogeri atte Crosse, Willelmus filius Alani Carter et Reginaldus Lygard de Scardeburgh asserentes esse burgenses ejusdem ville de Scardeburgh, de quibus in instanti itinere isto presentatum est et convictum per forestarios et viridarios quod iidem Willelmus filius Rogeri Carpentarii et alii‡ die Mercurii proximo ante festum Pentecostes anno regni domini E. patris domini Regis nunc iiij<sup>to</sup> venerunt in foresta predicta videlicet in Haia de Scalby cum arcubus et sagittis, ballistis et quinque leporibus [? leporariis] quorum duo erant nigri et duo albi et unus rubius et ceperunt ibidem duos damos et unum sourum cervi et venacionem illam secum asportaverunt et voluntatem suam inde fecerunt et statim fugierunt: et dicunt quod ipsi juxta libertatem ville predictae eis allocatam in itinere isto parati sunt se defendere, videlicet quilibet

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commonalty pray that the Justices may come to Scarborough to hear and determine all pleas of the forests relating to the burgesses, and that any of the burgesses accused, indicted or attached for poaching or any other forest offence, may acquit themselves by the oath of thirty-six men before any Justices of the Forest whatsoever, unless they are caught in the act by the verderers or foresters. The latter claim is allowed. Upon this William son of Roger Carpenter [? Carter] the elder, John son of Roger atte Crosse, William son of Alan Carter, and Reginald Lygard of Scarborough, assert that they are burgesses of Scarborough. They had been presented and convicted in the present Eyre by the foresters and verderers of having on Wednesday,

\* The words between square brackets occur in the Exchequer but not in the Duchy Coucher.

† This and the preceding word appear in the text of the Exchequer Coucher, but not of the Duchy Coucher, between inverted commas. Possibly the scribe of the former felt himself some doubt as to the correctness of his transcript.

‡ See Vol. II., N.S., p. 105. It will be noticed that the indictments are not identical.

eorum se xxxvj manu hominum et petunt se ad hoc admitti. Et quia ministri istius foreste testantur quod idem Willelmus filius Rogeri et alii sunt burgenses ville predicte, nec est compertum quod capti fuerunt cum manuopere per\* viridarios et forestarios, ideo iidem Willelmus filius Rogeri et alii admittuntur ad se defendendos in forma predicta, videlicet quilibet eorum se xxxvj manu hominum etc. Postea venit predictus Willelmus filius Rogeri et finem fecit pro sacramento relaxando per j marcam et admittitur per plegium Willelmi Warde et Thome Bret, et predictus Johannes filius Rogeri similiter finem fecit pro sacramento relaxando per j marcam et admittitur per plegium predictum, et predictus Willelmus filius Alani le Carter similiter finem fecit pro sacramento relaxando pro xl<sup>d</sup> per plegium predictum, et predictus Reginaldus similiter fecit finem per dimidiam marcam per plegium predictum.

26 May, 1311, taken two bucks and a sore in Scalby Hay, with bows, arrows, crossbows and five greyhounds, of which two were black, two white, and one red. They ask to be permitted to exercise their right of acquitting themselves by the oath of thirty-six. Permission is granted; afterwards they appear and pray to be allowed to compound; William son of Roger and John son of Roger compound for 13<sup>s</sup> 4<sup>d</sup>, William son of Alan for 3<sup>s</sup> 4<sup>d</sup>, and Reginald for 6<sup>s</sup> 8<sup>d</sup>. Sureties for each, William Ward and Thomas Bret.

\* In the Exchequer Coucher the order is inverted. A B put over the words.

## APPENDIX.

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### CORAM REGE ROLLS.

Coram Rege. Trin. 16 Ed. III. r. 87.

Dominus Rex mandavit dilectis et fidelibus suis Willelmo Scot et sociis suis Justiciariis ad placita coram Rege tenenda assignatis breve suum clausum in hec verba.—Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie dilectis et fidelibus suis Willelmo Scot et sociis suis Justiciariis ad placita coram nobis tenenda assignatis salutem. Cum per finem in Curia nostra coram dilectis et fidelibus nostris Willelmo de Herle et sociis suis Justiciariis nostris de Banco anno regni nostri Anglie septimo, inter Johannem Moryn de Brompton et Dionisiam uxorem ejus querentes et Johannem de Wykham et Johannem de Snaynton capellanum deforciantes, de uno mesuagio et decem et octo toftis, triginta et quatuor bovatis et quinquaginta acris terre, quindecim acris prati et triginta solidatis redditus cum pertinentiis in Brompton, Salden et Snaynton levatum, iidem Johannes

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Trinity, 1342.

A writ dated at the Tower of London, 8 Feb., 1342, was directed to William Scott and the other Justices of the King's Bench, to the following effect. It recited a fine levied in the year 1333 in the Common Bench, before William de Herle and other Justices, between Sir John Moryn, of Brompton, and Denise, his wife, plaintiffs, and John de Wykeham and John de Snainton, chaplain, defendants,\* of one mesuage, eighteen tofts, thirty-four oxgangs, fifty acres of arable, fifteen acres of meadow and thirty shillings rent,† in Brompton, Sawdon and Snainton, by which Sir John and his wife acknowledged that they had granted the tenements to John de Wykeham and John

\* This gives a good instance of how the ordinary family settlement was drawn up and the estates entailed in the days before the Statute of Uses.

† This exceeds the total of three carucates, which at Vol. II., N.S., p. 264, Sir John Moryn was said to hold in Snainton, Brompton and Humberton.



Moryn et Dionisia recognovissent tenementa predicta cum pertinenciis esse jus ipsius Johannis de Wikham, ut illa que iidem Johannes de Wikham et Johannes de Snaynton habebant de dono predictorum Johannis Moryn et Dionisie, dictique Johannes de Wikham et Johannes de Snaynton obsequenter concessissent predictis Johanni Moryn et Dionisie predicta tenementa cum pertinenciis et illa eis reddidissent in eadem Curia habenda et tenenda eisdem Johanni Moryn et Dionisie et heredibus ipsius Johannis de corpore suo procreatis de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum, prout per transcriptum pedis finis predicti quod coram nobis in Cancellaria nostra venire fecimus plenius apparet, ac jam ex parte dilecti et fidelis nostri Henrici Comitis Lancastrie, domini manerii de Pykeryng quod est de antiquo dominico corone nostre ut dicitur, nobis sit supplicatum ut cum sexdecim tofta, duodecim bovate et quadraginta acre terre, sex acre prati et triginta solidate redditus de predictis tenementis in dicto fine contentis sint parcella manerii supradicti et a tempore cujus contrarii memoria non existit usque ad levacionem finis illius fuerint et in Curia manerii illius secundum consuetudinem ejusdem placitabilia, ac eadem sexdecim tofta, duodecim bovate et quadraginta acre terre, sex acre prati et triginta solidate redditus jam per finem predictum ad communem legem ponantur in ipsius Comitis grave dampnum ac exheredacionis sue periculum manifestum, velimus pro ipso Comite super premissis de remedio congruo providere, nos quod justum fuerit fieri volentes in hac parte, mittimus vobis sub pede sigilli nostri transcriptum supradictum, mandantes quod viso transcripto illo et vocatis coram vobis quos fore videritis evocandos auditisque partium hinc et inde rationibus ulterius super adnullacionem finis predicti quoad predicta sexdecim tofta,

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de Snaynton, in consideration for which grant the latter granted the tenements to Sir John and his wife, Denise, and the heirs of the body of Sir John, to hold of the chief lords of the fee by the services which belonged to the tenements. The transcript of the foot of the fine had been sent into the King's Chancery. Afterwards Henry, Earl of Lancaster, lord of the manor of Pickering, which is said to be of ancient demesne, alleged that sixteen tofts, twelve oxgangs, forty acres of arable, six acres of meadow, and thirty shillings rent out of the said tenements were parcel of the said manor, and from time immemorial up to the date of the levying of the fine were impleadable in the Manor Court, according to the custom of the manor, and that he had suffered damage by the levying of the fine of such hereditaments at common law. The King, therefore, in his desire to do justice, sent the transcript to the Justices of

duodecim bovatas et quadraginta acras terre, sex acras prati et triginta solidatas redditus fieri faciatis quod de jure et secundum legem et consuetudinem regni nostri Anglie fore videritis faciendum. Teste me ipso apud Turrim London. viij die Febr. anno regni nostri Anglie sexto decimo, regni vero nostro Francie tercio.

Transcriptum pedis finis predicti sequitur in hec verba. Hec est finalis concordia facta in Curia domini Regis apud Eboracum in Crastino Sancti Martini anno regni Regis Edwardi tercii a conquestu septimo coram Willelmo de Herle, Johanne de Stonore, Johanne de Cantabrigge, Johanne de Inge, Johanne de Shardelowe, Ricardo de Aldeburgh et Willelmo de Sharesull Justiciariis; et postea a die Pasche in tres septimanas anno regni ejusdem Regis Edwardi octavo ibidem concessa et recordata coram prefatis Willelmo de Herle, Johanne, Johanne, Johanne, Johanne et Ricardo Justiciariis et aliis domini Regis fidelibus tunc ibidem presentibus, inter Johannem Moryn de Brompton et Dionisiam uxorem ejus querentes et Johannem de Wikham et Johannem de Snaynton Capellanum deforciantes de uno mesuagio, decem et octo toftis, triginta et quatuor bovatis et quinquaginta acris terre, quindecim acris prati et triginta solidatis redditus cum pertinenciis in Brompton, Salden et Snaynton, unde placitum convencionis summonitum fuit inter eos in eadem Curia, scilicet quod predicti Johannes Moryn et Dionisia recognoverunt predicta tenementa cum pertinenciis esse jus ipsius Johannis de Wykham ut illa que iidem Johannes et Johannes de Snaynton habent de dono predictorum Johannis Moryn et Dionisie, et pro hac recognicione, fine et concordia iidem Johannes de Wikham et Johannes de Snaynton concesserunt predictis Johanni Moryn et Dionisie predicta tenementa cum pertinenciis et illa eis reddiderunt in eadem Curia, habenda et tenenda eisdem Johanni Moryn et Dionisie et heredibus ipsius Johannis de corpore suo procreatis de capitalibus dominis feodi illius

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the Common Bench, and directed them to inspect it, and having called before them such as could give material evidence, and heard the arguments both sides as to quashing the fine, to give judgment according to the law and custom of the realm.

The transcript of the foot of the fine stated that it was levied at York on the morrow of Martinmas, 1333, before William de Herle, John de Stonor, John de Cambridge, John de Inge, John de Shardelowe, Richard de Aldborough, and William de Sharesull, Justices, and afterwards recorded in the Easter Term following, before the same Justices. It was to the effect already stated, except that the grant by John de Wykeham and John de Snaynton was to Sir John and his wife, Denise, and the heirs of the body of Sir John, and in default of such

per servicia que ad predicta tenementa pertinent imperpetuum. Et si contingat quod idem Johannes Moryn obierit sine herede de corpore suo procreato, tunc post decessum ipsorum Johannis et Dionisie predicta tenementa cum pertinenciis integre remanebunt Johanni filio\* ejusdem Johannis Moryn et heredibus de corpore suo procreatis tenenda de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum. Et si contingat quod idem Johannes filius Johannis obierit sine herede de corpore suo procreato tunc post decessum ipsius Johannis predicta tenementa cum pertinenciis integre remanebunt Ricardo fratri ejusdem Johannis filii Johannis et heredibus de corpore suo procreatis tenenda de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum. Et si contingat quod idem Ricardus obierit sine herede de corpore suo procreato tunc post decessum ipsius Ricardii predicta tenementa cum pertinenciis integre remanebunt Agneti de Kelstern et heredibus masculis de corpore suo procreatis tenenda de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum. Et si contingat quod eadem Agnes obierit sine herede masculo de corpore suo procreato tunc post decessum ipsius Agnetis predicta tenementa cum pertinenciis integre remanebunt Johanni de Malton et heredibus masculis de corpore suo procreatis tenenda de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum. Et si contingat quod idem Johannes de Malton obierit sine herede masculo de corpore suo procreato tunc post decessum ipsius Johannis predicta tenementa cum pertinenciis integre remanebunt rectis heredibus predicti Johannis Moryn tenenda de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent imperpetuum.

Postea ad sectam predicti Henrici Comitis Lancastrie assentis

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issue to John, son of Sir John Moryn and the heirs of his body, and in default of such issue to his brother Richard and the heirs of his body, and in default of such issue to Agnes Kelstern and the heirs male of her body, and in default of such issue to John de Malton and the heirs male of his body, and in default of such issue to the right heirs of Sir John Moryn, the tenements in every case to be held of the chief lords of the fee by the services which belong to them. Afterwards the suit of Henry Earl of

\* I do not understand this remainder. If Sir John's issue should fail, it would naturally follow that his son's issue must have failed. Perhaps it is a case of unnecessary words being added *ex uberiori cautela*, and as Taltarum's case had not then been decided the distinction between tenant in tail and a tenant for life may not have been important.

quod ipse est dominus manerii de Pykeryng quod est de antiquo dominico corone regni Regum Anglie, et quod sexdecim tofte, duodecim bovate et quadraginta acre terre, sex acre prati et triginta solidate redditus de predictis tenementis in predicto fine contentis tenentur de eo ut de manerio predicto, et a tempore cujus contrarii memoria non existit de ipso et antecessoribus suis ut de manerio illo tenebantur, et in Curia manerii illius secundum consuetudinem ejusdem fuerunt placitabilia, et quod finis ille inde in ipsius Comitis grave dampnum et exheredacionis sue periculum manifestum extitit levatus, super quo idem Comes domino Regi supplicavit sibi per ipsum Regem de remedio provideri, dominus Rex quod justum fuerit fieri volens in hac parte misit coram dilectis et fidelibus suis Willelmo Scot et sociis Justiciariis ad placita coram Rege tenenda assignatis transcriptum pedis finis predicti, mandans quod viso transcripto illo et vocatis coram Rege quos fore viderint evocandos auditisque hinc et inde partium rationibus, ulterius super adnullacionem finis predicti quoad predicta sexdecim tofta, duodecim bovatas et quadraginta acras terre, sex acras prati et triginta solidatas redditus fieri faceret Rex quod de jure et secundum legem et consuetudinem regni Regis Anglie esset faciendum.

Et quia partibus predictis in hac parte Rex volens fieri quod est justum precepit vicecomiti Eboracensi quod per probos etc scire faceret tam prefato Johanni Moryn de Brompton et Dionisie quam Johanni de Wykham et Johanni de Snaynton quod essent coram domino Rege ad hunc diem scilicet a die Sancte Trinitatis in xv dies ubicumque etc, ad ostendendum si quid pro se haberent vel dicere scirent quare predictus finis quoad predicta sexdecim tofta, duodecim bovatas et quadraginta acras terre, sex acras prati et triginta solidatas redditus sic in prejudicium domini predicti Comitis, ut dicitur, levatus adnullari et eadem tenementa in statum pristinum reponi non debeant si etc; et ulterius etc. Et modo coram domino Rege venit predictus Henricus Comes Lancastrie per Robertum de Clifton attorney suum; et vicecomes retornavit quod fecit retornum brevis Regis inde Hugoni de Nevill ballivo libertatis de Pykeryng, cui executio ejusdem

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Lancaster upon the claim already set out proceeded, and the King directed a writ of *scire facias* to the Sheriff of Yorkshire to summon Sir John Moryn, Denise, his wife, John de Wykeham, and John de Snaynton to appear in the Court of King's Bench, in Trinity Term following, to show cause against the quashing of the fine so far as it related to the tenements said to be held of the Earl. The Earl appeared this term by his attorney, Robert de Clifton, and the Sheriff returned that Hugh de Nevill, bailiff, of Pickering, whose duty it was to execute the writ within that liberty, replied that Sir John Moryn,

brevis restat facienda, qui sibi respondit quod Johannes Moryn de Brompton et Dionisia uxor ejus et Johannes de Wykham mortui sunt, et quod scire fecit Johanni de Snaynton capellano quod esset coram Rege ad prefatum terminum etc, ad faciendum quod breve requirit etc, per Nicholaum Haldan et Ricardum de Dalby, qui quidem Johannes per premunionem ei inde factam per Adam Round attornatum suum venit. Et quia videtur Curie quod expediens est quod tenentes de predictis sexdecim toftis, duodecim bovatis et quadraginta acris terre, sex acris prati et triginta solidatis redditus de predictis tenementis in dicto fine contentis, ac eciam predicti Ricardus, Johannes filius predicti Johannis Moryn, Agnes, Johannes de Malton quibus eadem tenementa per finem predictum talliata fuerunt ut predictum est, premuniantur antequam ad adnullacionem finis predicti ut predictum est procedatur. Ideo preceptum est vicecomiti quod per probos etc, scire faciat Ricardo de Dalby et Johanni filio Johannis de Malton, tenentibus predictorum sexdecim toftorum, duodecim bovatarum et quadraginta acrarum terre, sex acrarum prati et triginta solidatarum redditus de tenementis predictis, ac eciam prefato Johanni filio Johannis Moryn, Ricardo, Agneti et Johanni de Malton quod sint coram domino Rege a die Sancti Michaelis in xv dies ubicumque etc ad ostendendum si quid pro se habeant vel dicere sciant quare predictus finis quoad predicta sexdecim tofta, duodecim bovatas et quadraginta acras terre, sex acras prati et triginta solidatas redditus sic in prejudicium domini predicti Comitum ut dicitur levatus adnullari et eadem tenementa in statum pristinum reponi non debeant si etc, et ulterius etc. Idem dies datus est predictis Comiti et Johanni de Snaynton etc. Ad quem diem coram domino Rege venit predictus Comes per predictum attornatum suum, et predictus Johannes de Snaynton per predictum attornatum suum similiter venit; et vicecomes retornavit quod precepit Hugoni de Neville ballivo libertatis de Pykeryng, qui sibi respondit quod scire fecit prefato Ricardo de Dalby et Johanni filio Johannis de Malton tenentibus predictorum sexdecim toftorum, duodecim bovatarum et quadraginta acrarum terre,

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Denise, his wife, and John de Wykeham were all dead, but that he had summoned John de Snaynton to show cause. The summons had been served by Nicholas Haldane and Richard de Dalby, and John de Snaynton appeared by Adam Round, his attorney. The Court, however, thought fit to direct that the other tenants of the tenements in question, namely, Richard de Dalby and John, son of John de Malton, and also the persons on whom the tenements had been entailed, John, the son of Sir John Moryn and Richard, his brother, Agnes Kelstern and John de Malton should be summoned to show cause, in Michael-

sex acrarum prati et triginta solidatarum redditus de tenementis predictis, ac eciam prefatis Johanni filio predicti Johannis Moryn, Ricardo et Agneti et Johanni de Malton quod essent coram Rege etc, ad faciendum quod breve Regis requirit etc, per Nicholaum Haldan et Thomam le Forester, qui quidem Ricardus de Dalby et Johannes filius Johannis de Malton, Johannes filius predicti Johannis Moryn, Ricardus, Agnes et Johannes de Malton quarto die placiti solempniter vocati non veniunt; et super hoc dominus Rex misit hic quoddam breve domini Regis clausum in hec verba. Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie dilectis et fidelibus suis Willelmo Scot et sociis suis Justiciariis ad placita coram nobis tenenda assignatis salutem. Quendam certificacionem coram nobis in Cancellaria nostra per Thesaurarium et Camerarios nostros de mandato nostro missam manerium de Pykeryng tangentem vobis mittimus presentibus inclusam, ut visa certificacione illa in quodam negotio pendente coram nobis per breve nostrum ad prosecutionem dilecti consanguinei et fidelis nostri Henrici Comitis Lancastrie [? domini] manerii predicti quod est de antiquo dominico corone regni nostri Anglie ut dicitur, super annullacione cujusdam finis levati in Curia nostra anno regni nostri Anglie septimo coram tunc Justiciariis nostris de Banco per breve nostrum [? inter] Johannem Moryn de Brompton et Dionisiam uxorem querentes et Johannem de Wykham et Johannem de Snaynton deforciantes de uno mesuagio, decem et octo toftis, triginta et quatuor bovatis et quinquaginta acris terre, quindecim acris prati et triginta solidatis redditus cum pertinenciis in Brompton, Salden et Snaynton, de quibus quidem tenementis sexdecim tofta, duodecim bovate et quadraginta acre terre, sex acre prati et triginta solidate redditus tenentur de prefato Comite ut de manerio predicto et in Curia manerii illius secundum consuetudinem ejusdem et non ad communem legem sunt placabilia, sicut idem Comes dicit, consultius facere valeatis quod de jure et secundum legem regni nostri

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mas Term, against the quashing of the fine. The Earl and John de Snainton both appeared in this term by their respective attornies, and the Sheriff returned that Hugh de Nevill had caused the summonses to show cause to be served by Nicholas Haldan and Thomas the Forester upon the several tenants and the persons in the entail, but none of them appeared on the fourth day. A writ, tested by Edward, Duke of Cornwall and Earl of Chester, at Kennington, 16 October, 1342, directed William Scott and the other Justices of Common Pleas to inspect a certificate relating to the manor of Pickering, sent into the King's Chancery by the Treasurer and Chamberlains, and to consider its effect on the suit then pending before them by the Earl

predicti in hujusmodi casu fuerit faciendum. Tæste Edwardo Duce Cornubie et Comite Cestrie, filio nostro carissimo, Custode Anglie apud Kenyngton xvj die Octobris anno regni nostri Anglie sextodecimo, regni vero Francie tercio.

Breve Thesaurario et Camerariis inde directum tale est.

Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie Thesaurio et Camerariis suis salutem. Volentes quibusdam certis de causis certiorari utrum manerium de Pykeryng cum pertinenciis in Comitatu Eboracensi sit de antiquo dominico corone nostre Anglie necne, vobis mandamus quod scrutato libro nostro vocato Domesdai nos in Cancellaria nostra de eo quod inde inveniri contigerit reddatis sub sigillo Scaccarii predicti distincte et aperte sine dilacione certiores, remittentes nobis ibidem hoc breve. Teste Edwardo Duce Cornubie et Comite Cestrie, filio nostro carissimo, Custode Anglie apud Kenyngton xiiij die Octobris anno regni nostri Anglie sextodecimo, regni vero Francie tercio.

Certificacio inde talis est.

In libro de Domesdai in Comitatu Eboracensi sub titulo terre Regis continetur sic.—In Pickeringa sunt ad geldum xxxvij carucate terre quas possunt arare xx caruce. Has tenuit Morcar pro uno manerio cum bereuicis suis, Bartune, Neuetone, Blandeby, et Estorp, modo habet Rex. Ibi est una caruca et xx villani cum vj carucis. Pratum dimidium leuce longum et tantum latum. Omnis vero silva que pertinet ad manerium habet xvj leucarum longitudinem et tantarum latitudinem. Hoc manerium valuit tempore Regis Edwardi quater

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of Lancaster to quash the fine which, as he alleged, concerned lands held in ancient demesne, and only impleadable in the Court of the manor of Pickering. Another writ tested as above but dated 14 October, 1342, directed the Treasurer and Chamberlains to examine Domesday Book, and send a certificate of what appears there into the King's Chancery, so that it can be ascertained whether the Manor of Pickering is of ancient demesne or no.

The certificate is as follows. In Domesday Book under the head of the King's Land in Yorkshire, we find—In Pickering, there are to be taxed thirty-seven carucates of land which twenty ploughs may till. These Morcar held for one manor with its berewicks Barton, Newton, Blandsby, and Easthorp. It is now the King's. There is therein one plough and twenty villans with six ploughs. Meadow half a mile\*

\* It will be noticed at Vol. I., N.S., p. xviii, I copied the corresponding passage from Bawden's Domesday. It is usual to take the *leuca* as a mile and a half, but this would make the extent of the forest too great. Sixteen miles is above the mark.

xx<sup>ti</sup> et viij lib; modo xx sol. et iiij den. Ad hoc manerium pertinet soka harum terrarum, Brunton, Odulfesmare, Edbrigtune, Alvestune, Wiltune, Farmanesby, Rozebi, Shinetorp,\* Chilvesmares, Aschilesmares, Maxudesmares, Snehintune, Chigogemers, Elreburne, Torentune, Leuecen, Middelton, Bartune. Inter totum sunt ad geldum l. carucate quas possint arare xxvij caruce. Non sunt modo nisi x villani habentes ij carucas. Cetera vasta. Sunt tantum prati acre xx<sup>ti</sup>. Inter totum xvj leucas longum et iiij latum.

Et super hoc predictus Comes dicit ut prius quod ipse est dominus predicti manerii de Pykeryng et quod predicta sexdecim tofta, duodecim bovate, quadraginta acre terre, sex acre prati et triginta solidati redditus de tenementis predictis in predictis villis de Brompton, Salden et Snaynton unde predictus finis se levavit, tenentur de eo ut de manerio predicto et per longum tempus de ipso et successoribus [? predecesso-ribus] suis ut de manerio illo tenebantur, et in Curia manerii illius secundum consuetudinem ejusdem fuerunt placitabilia, et dicit quod Salden est hamelettum de Brompton et ex quo per predictum librum de Domesday sit compertum quod Brompton et Pykeryng et Snaynton sunt de antiquo dominico corone Anglie, petit quod predictus finis de predictis sexdecim toftis, duodecim bovatis et quadraginta acris terre, sex acris prati et triginta solidatis redditus sic in prejudicium domini sui levatus adnulletur et quod eadem tenementa in statum pristinum reponantur etc.

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long and as much broad. The forest belonging to the manor extends for sixteen miles either way. In the time of King Edward it was worth £88; now only £1 os. 4d. To this manor belongs the soke of these lands Brompton, Edusmarsh [?], Ebberston, Allerston, Wilton, Farmandby, Roxby, Kingthorpe, other manors in the marishes,† Snainton, KekkeMarish [?], Ellerburn, Thornton, Levisham, Middleton, and Barton. In all fifty carucates are to be taxed which twenty-seven ploughs can till. There are only ten villans with two ploughs, the rest is waste, and only twenty acres of meadow. In all sixteen miles long and four broad.

Upon this the Earl pleads that he is Lord of the manor of Pickering, and that sixteen tofts, twelve oxgangs, forty acres of arable, six acres of meadow, and thirty shillings rent of the tenements in Brompton, Sawdon and Snainton, as to which the fine was levied, are and from old have been held of him and his predecessors, and are impleadable in

\* Chinetorp in facsimile copy.

† We have to account somehow for part of the district between Kirkby Misperton and Barton, which seems to have been in the Soke of Pickering. It is nearly all low-lying land.



Et predictus Johannes dicit quod predictus finis quoad predicta sexdecim tofta, duodecim bovatas, quadraginta acras terre, sex acras prati et triginta solidatos redditus adnullari non debet, quia dicit quod in predictis villis de Brompton, Salden et Snaynton in dicto fine nominatis sunt tria feoda, videlicet tenura de manerio de Pykeryng que est de antiquo dominico corone Anglie et secundum consuetudinem manerii illius placitabilia, feodum de Percy, feodum de Aton que sunt ad geldum et placitabilia ad communem legem et a toto tempore exstiterunt. Et dicit quod predicta sexdecim tofta, duodecim mesuagia [? bovate] et quadraginta acre terre, sex acre prati et triginta solidati redditus sunt de predicto feodo de Aton et sunt placitabilia ad communem legem et non de antiquo dominico prout predictus Comes supponit, et hoc paratus est verificare etc.

Et predictus Comes dicit ut prius quod Salden est hamelettum de Brompton et quod eadem sexdecim tofta, duodecim bovate et quadraginta acre terre, sex acre prati et triginta solidati redditus sunt de antiquo dominico et tenentur de dicto manerio de Pykeryng et placitabilia secundum consuetudinem dicti manerii, et non de feodo de Aton sicut predictus Johannes dicit, et de hoc ponit se super patriam etc, et predictus Johannes de Snaynton similiter.

Ideo veniat inde Jurata coram domino Rege a die Sancti Hillarii in xv dies ubicumque etc, et qui non etc, quia tam etc. Postea continuato inde processu inter partes predictas per juratam positam in respectu usque a die Sancti Hillarii in xv dies anno regni domini

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the Manor Court according to the custom of the Manor. Sawdon, moreover, is a hamlet of Brompton, and from Domesday Book it appears that Brompton, Pickering, and Snainton are of ancient demesne. He prays that the fine may be quashed so far as it relates to the tenements in question, and that they may be restored to their former condition. John de Snainton denies that the fine should be quashed to this extent, for he says that in the townships of Brompton, Sawdon, and Snainton there are three fees, namely, that held of Pickering, which he admits is ancient demesne and only impleadable according to the custom of the Manor, and the fees of Percy and Ayton, which are geldable\* and impleadable at common law, and always have been. He is ready to prove that the tenements in question are held of the fee of Ayton, and are impleadable at common law, and are not of ancient demesne; upon this the Earl joins issue and a jury is summoned. In the Hillary Term of 1343

\* At this date land outside a franchise was spoken of as *geldable* in distinction to land within a franchise, possibly because in many of the latter cases the tollage belonged to the Lord of the franchise. See post, p. 204.

Regis nunc decimo septimo. Ad quem diem veniunt tam predictus Comes quam predictus Johannes per attornatos suos predictos, et predicta jurata posita fuit in respectu usque a die Pasche in tres septimanas ubicumque etc, nisi W. Scot et W. Basset vel unus eorum prius die Veneris in secunda septimana Quadragesime apud Eboracum venerint vel venerit etc. Ad quas quidem tres septimanas Pasche veniunt tam predictus Comes quam predictus Johannes per attornatos suos predictos, et predicti W. Scot et W. Basset tulerunt coram Rege recordum et processum veredicti jurate predicte in hec verba. Postea coram prefatis Willelmo Scot et Willelmo Basset die et loco infra contentis venerunt partes predicte per attornatos suos, et similiter Juratores qui de consensu parcium electi dicunt super sacramentum suum quod duodecim tofta de predictis sexdecim toftis sunt de antiquo dominico corone Anglice et quod tenentur de Comite Lancastrie ut de manerio suo de Pikeryng in Curia manerii illius secundum consuetudinem ejusdem placitabilia et non ad communem legem, et dicunt quod quatuor tofta residua de predictis sexdecim toftis sunt de feodo de Aton et ad communem legem placitabilia, dicunt eciam quod predicte duodecim bovate terre et sexdecim acre terre de predictis quadraginta acris terre sunt similiter de antiquo dominico corone Anglice et tenentur de predicto Comite ut de manerio predicto et in Curia manerii illius placitabilia et non ad communem legem, et dicunt quod viginti et quatuor acre terre residue de predictis quadraginta acris terre sunt de predicto feodo de Aton et ad communem legem placitabilia, et quoad predictas sex acras prati dicunt quod medietas unius acre prati de eisdem sex acris prati est de antiquo dominico corone Anglice et tenetur de prefato Comite in Curia manerii illius placitabilia et non ad communem legem, et dicunt quod quinque acre et dimidia, residue de predictis sex acris prati, sunt de predicto feodo de Aton ad legem communem placitabilia, dicunt eciam quod predicte triginta solidate\*

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they both appear, and the trial is respited until the Easter Term for the purpose of being tried at York Assizes before William Scot or William Basset on Friday, 7th March, 1343. In the Easter Term the verdict is recorded, namely, that twelve tofts, twelve oxgangs, sixteen acres of arable, and half an acre of meadow are of ancient demesne of the Crown, held of the Earl of Lancaster as of his manor of Pickering, and impleadable by custom in the Court of that Manor and not at common law; and that the remaining four tofts, twenty-four acres of arable, five and a half acres of meadow, and thirty shillings rent are of the fee of Ayton, and impleadable at common law. The jury say that the tenements in Brompton and Sawdon are of ancient

\* This word continually, throughout the record, varies in gender.

redditus cum pertinenciis sunt de eodem feodo de Aton, ad communem legem placitabilia. Et dicunt quod omnia tenementa in Brompton et Salden sunt de antiquo dominico corone Anglice, et quod omnia tenementa in Snaynton\* sunt ad communem legem placitabilia.

Ideo consideratum est quod predictus finis quoad predicta duodecim tofta, duodecim bovatas, sexdecim acras terre et medietatem unius acre prati cum pertinenciis in Brumton et Salden levatus omnino adnulletur, evacuetur et de cetero pro nullo habeatur, et quod predictus Johannes de Moryn et Dionisia uxor ejus et Johannes de Wykham si superstites sint, et eciam predictus Johannes de Snaynton capellanus pro decepcione Curie domini Regis in levacione predicti finis facta capiantur etc.

Coram Rege, Mich. 17 Ed. III., m. 2.

Johannes filius Johannis Moryn venit hic in Curia die Martis proximo post octabas Sancti Michaelis hoc anno et protulit quoddam scriptum quod cognovit esse factum suum et peciit illud irrotulari; quod irrotulatur in hec verba. Omnibus hoc scriptum visuris vel audituris Johannes filius Johannis Moryn salutem in Domino. Noveritis me remisisse, relaxasse et omnino de me et heredibus meis imperpetuum quietum clamasse domino Willelmo de Aton militi, heredibus et assignatis suis, totum jus et clamium quod habeo, habui vel aliquo modo de cetero habere potero in septem bovatis terre cum toftis adjacentibus cum omnibus suis pertinenciis in Brumpton in Pykering-

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demesne, and that all the tenements in Snainton are impleadable at common law.

Judgment is given that so far as relates to the tenements in Brompton and Sawdon, the fine so levied is to be quashed, and process is directed to issue against John Moryn, Denise his wife, and John de Wykeham, if they are surviving, and against John de Snainton, chaplain, for having deceived the King's Court in the matter of the levying of the fine.

Michaelmas, 1343.

John, son of John Moryn,† appears in Court on Tuesday, 7th October, 1343, and prayed enrolment of a deed which he acknowledged to be his. It was enrolled, and ran thus: To all who shall see this deed or hear it read, John, son of John Moryn, sends greet.

\* Possibly the jury declined to identify Snechintune with Snainton.

† This seems to throw a little light on the preceding. As heir to his father, John had power to sell, but not as tenant in tail under the settlement, although no doubt the form of the deed is that he does not sell but releases his interest whatever it is.

lith, Snaynton et Salden que quondam fuerunt domini Johannis Moryn patris mei, ita quod nec ego dictus Johannes filius Johannis Moryn nec heredes mei nec aliquis alius nomine nostro aliquid juris vel clamium in predictis terris et tenementis cum suis pertinenciis de cetero exigere vel vendicare poterimus imperpetuum; et ego Johannes filius Johannis et heredes mei omnia predictas terras et tenementa cum suis pertinenciis prefato domino Willelmo, heredibus et assignatis suis contra omnes homines warantizabimus et imperpetuum defendemus. In cujus rei testimonium huic presenti scripto sigillum meum apposui hiis testibus;—dominis Radulpho de Hastings, Willelmo de Playce, militibus, Johanne de Shirburn, Roberto de Whyern, Edmundo de Hastings, Johanni de Pert et aliis. Datum apud Brompton die Sabbati proximo post festum Sancti Michaelis Archangeli Anno Domini millesimo trescentesimo quadragesimo tercio.

Coram Rege, Mich. 21 Ed. III., m. 88.

Dominus Rex mandavit Willelmo de Thorp et sociis suis Justiciariis breve suum clausum in hec verba. Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie dilectis et fidelibus suis Willelmo de Thorp et sociis suis Justiciariis ad placita coram nobis tenenda assignatis salutem. Recordum et processum nuper habita coram dilectis et fidelibus nostris Ricardo de Wilughby et sociis suis tunc Justiciariis itinerantibus ad placita foreste Henrici nuper\* Comitis Lancastrie in foresta de Pykeryng in comitatu Eboracensi de libertatibus per Robertum filium Willelmi Wyerne et Thomam Thurnef in eadem foresta coram

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ing. Know that I have released and quit-claimed to Sir William de Ayton, Knight, his heirs and assigns, all such claim and right as I have had, or can in any way have, to seven oxgangs of lands, with tofts adjoining, in Brompton, in Pickering lith, Snainton, and Sawdon, which formerly belonged to my father, Sir John Moryn. The deed contained a clause of warranty and was witnessed at Brompton on Saturday 4th October, 1343, by Sir Ralph de Hastings, Sir William de Playce, John de Shirebourn, Robert de Wyerne, Edmund de Hastings, John de Pert, and others.

Michaelmas, 1347.

The King directed a close writ to William de Thorpe and his fellow Justices of the King's Bench, together with the record of the liberties claimed by Robert, son of William Wyerne, and Thomas Thurnef in the Forest Eyre held at Pickering by Robert de Willoughby and other

\* He died the preceding year.

eisdem Justiciariis clamatis et ibidem allocatis que coram nobis in Cancellaria nostra certis de causis venire fecimus, vobis mittimus sub pede sigilli nostri, mandantes ut hiis inspectis ulterius ad prosecutionem Roberti de Scardeburgh et Thome Whyte duorum tenencium et comunariorum ville de Ebriston infra forestam predictam existentis ut dicitur, asserencium libertates per prefatos Robertum filium Willelmi et Thomam Thurnef in eodem itinere clamatas et ibidem allocatas ad exheredacionem eorundem Roberti de Scardeburgh et Thome Whyte ac aliorum tenencium et comunariorum ejusdem ville existere, pro adnullacione clamei et allocacionis predictorum fieri faciatis quod de jure et secundum legem et consuetudinem regni nostri Anglie fuerit faciendum. Teste Leonello filio nostro carissimo custode Anglie apud Redyng tercio die Julii anno regni nostri Anglie vicesimo primo, regni vero nostri Francie octavo.

Breve directum Thesaurario et Camerariis sequitur in hec verba.— Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie Thesaurario et Camerariis suis salutem. Volentes certis de causis certiorari super recorde et processu habitis coram dilectis et fidelibus nostris Ricardo de Wylughby et sociis suis nuper Justiciariis ad placita foreste Henrici nuper comitis Lancastrie in foreste de Pykeryng in comitatu Eboracensi de libertatibus per Robertum filium Willelmi Wyerne et Thomam Thurnef in eadem foresta coram eisdem Justiciariis clamatis et ibidem allocatis, vobis mandamus quod scrutatis rotulis ejusdem Ricardi de itinere predicto qui sunt in Thesauraria nostra sub custodia vestra ut dicitur, recordum et processum predicta nobis in Cancellaria nostra sub sigillo Scaccarii nostri distincte et aperte sine dilacione mittatis et hoc breve. Teste Leonello filio nostro carissimo custode Anglie apud Reding xvj die Junii anno regni nostri Anglie vicesimo primo, regni vero nostri Francie octavo.

[The record of the claim printed at p. 122 *ante* next follows.]

Justices, which had been sent into the King's Chancery. The Justices were directed to examine the record, and then to proceed in accordance with the law and custom of the kingdom with the suit by Robert de Scarborough and Thomas White, two tenants and commoners of Ebberston, a village said to be within the forest, who assert that the liberties then claimed by Robert Wyerne and Thomas Thurnef and allowed, were in prejudice of their rights and those of the other tenants and commoners of that township, and seek to have the allowance of the liberties set aside. Tested at Reading by Lionel,\* then keeper of England, 3 July, 1347.

A writ, dated at Reading 16 June, 1347, had directed the

\* Third son of Edward III., born 1338.

Postea in Curia domini Regis coram ipso Rege ad sectam Roberti de Scardeburg et Thome Whyte duorum tenencium et comunariorum ville de Ebreston infra forestam predictam existentis asserecium libertates in hac parte per prefatos Robertum filium Willelmi et Thomam Thurnef in eodem itinere clamatas et ibidem eisdem allocatas fore ad exheredacionem eorundum Roberti de Scardeburg et Thome Whyte ac aliorum tenencium et comunariorum ejusdem ville de Ebreston, preceptum fuit vicecomiti Eboracensi quod per probos etc scire faceret prefatis Roberto filio Willelmi et Thomam Thurnef quod essent coram domino Rege ad hunc diem scilicet a die Sancti Michaelis in xv dies ubicumque etc ad ostendendum si quid pro se haberent etc quare ad adnullacionem clamei et allocacionis predictorum procedere non debeat, si etc, et ulterius etc. Et modo coram domino Rege veniunt predicti Robertus de Scardeburgh et Thomas Whyte in propriis personis suis, et vicecomes retornavit quod scire fecit prefatis Roberto filio Willelmi Wyerne et Thome Thurnyf quod essent coram Rege ad prefatum terminum ad faciendum quod breve Regis requirit etc, per Johannem filium Galfridi et Johannem Gotson, qui quidem Robertus filius Willelmi et Thomas Thurnyf per premunicionem illam coram domino Rege ad diem illum veniunt per Ricardum de Kesceburgh attornatum suum. Et predicti Robertus de Scardeburg et Thomas Whyt dicunt quod clamea ipsorum Roberti filii Willelmi et Thome Thurnyf in itinere predicto per ipsos Robertum filium Willelmi et Thomam Thurnyf facta et eis allocata omnino fuerunt in exheredacionem domini Regis et Henrici comitis Lancastrie domini de Pikeryng

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Treasurer and Chamberlain to inspect the forest rolls of the Pickering Eyre which are said to be in the Treasury\* under their care, to send into Chancery a record of the claims by Robert Wyerne and Thomas Thurnef.

Afterwards a writ of *scire facias* was directed to Robert Wyerne and Thomas Thurnef, stating the object already mentioned of the suit by Robert de Scarborough and Thomas White, and that they were to appear in the Michaelmas Term to show cause against the application. At this Term Robert de Scarborough and Thomas White appeared in person, and the Sheriff returned that by his orders John son of Geoffrey and John Godson had served the notice to show cause on Robert Wyerne and Thomas Thurnef, who appeared by their attorney Richard de Kesburgh.

Robert de Scarborough and Thomas White say that the claims made by and allowed to Robert Wyerne and Thomas Thurnef in the Pickering Eyre were altogether in prejudice of the rights of the King

\* This marks the locality of the rolls.

et ceterorum comunariorum et tenencium ejusdem ville de Ebreston, quia dicunt quod quoad hoc quod predicti Robertus filius Willelmi et Thomas Thurnyf clamabant habere wodewardum ad custodiendum boscum suum de Ebreston, idem boscus est Henrici comitis Lancastrie, capitalis domini ville et bosci predictorum, ut parcella manerii de Pikeryng, et iidem Robertus de Scardeburgh, Thomas Whyt, Robertus filius Willelmi et Thomas Thurnyf sive alii comunarii ejusdem ville, videlicet Gilbertus de Aton chivaler, tenens immediatus prefati Comitis quarte partis ejusdem ville, Radulphus de Hastyns tenens quarte partis ejusdem ville, Priorissa de Yedyngham tenens tercie partis ejusdem ville, et alii tenentes immediati ejusdem Comitis in eadem villa et comunarii ville nichil habent in bosco predicto nisi comunam pasture et racionabilia estoveria, videlicet quercus ex liberacione ministrorum ipsius Comitis in curia sua de Pikeryng que nominantur attachiamenta de Pykeryng, petendo boscum siccum et subboscum pro carucis suis et herceis et aliis necessariis absque liberacione forestariorum, tanquam pertinencia ad liberum tenementum suum in eadem villa; et dicunt quod omnes comunarii ejusdem ville habuerunt wodewardum per ipsos comunarios ville predictae, videlicet per duos vel per tres de melioribus ville supradicte electum, usque tempus ultimi itineris supradicti et pro quo comunarii predicti respondere voluerunt in curia supradicta ad custodiendum boscum predictum et comunam predictam ne comuna predictae ville per extraneos destrueretur; et dicunt quod domini de Pikeryng a tempore quo non extat memoria, tam tempore progenitorum

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and Henry Earl of Lancaster, lord of the manor of Pickering, and the other commoners and tenants of Ebberston, inasmuch as Ebberston Wood, to guard which Robert Wyerne and Thomas Thurnef claimed to appoint a woodward, belongs to Earl Henry as chief lord of the township and wood, as parcel of the manor of Pickering, and neither Robert de Scarborough, Thomas White, Robert Wyerne, Thomas Thurnef, or any other commoners of the township, namely, Sir Gilbert de Ayton, holding a fourth part of the township directly from the Earl, Ralph de Hastings, holding a fourth part, and the Prioress of Yedingham, holding a third part, and the other direct tenants of the Earl, as commoners, have any right to the wood except common of pasture and reasonable estovers as appurtenant to their freeholds, namely, oaks at the livery of the forest officers in the Court of Attachments at Pickering, and by seeking for dry wood and underwood for their ploughs and harrows and other necessities without livery of the foresters.

All the commoners of the township, or rather two or three of the

domini Regis quam tempore Comitum Lancastrie, superiorem custodiam bosci predicti semper habuerunt, et dicunt quod predicti Amaricus Gegge et Willelmus Thurnyf, nec predictus Thomas de Ebreston quorum statum predicti Robertus filius Willelmi et Thomas Thurnyf habent in bosco predicto, unquam aliquem wodewardum ibidem habuerunt, nisi per eleccionem comunariorum ville predictae sicut predictum est, et sic dicunt quod clameum illud in itinere predicto ad exheredacionem domini Regis et prefati Comitum et ceterorum comunariorum ejusdem ville eis erat allocatum, et hoc parati sunt verificare etc. Dicunt eciam quod predicti Amaricus et Willelmus quorum statum iidem Robertus filius Willelmi et Thomas Thurnyf habent in tenementis predictis nec predictus Thomas de Ebreston corticem de aliquibus quercubus aliquibus liberatis habuerunt seu habere clamaverunt, nisi de tenentibus suis propriis seu parvis tenentibus ville predictae tempore quo Thomas de Ebreston, pater predicti Thome de Ebreston, qui manerium illud prefatis Amarico et Willelmo Thurnef alienavit, fuit ballivus manerii de Pikeryng, qui corticem et quercum ex mera voluntate et ex dono ei concesserunt; et dicunt quod post remocionem prefati Thome Thurnef\* a balliva sua et officio suo, predictus Thomas wodewardum nec corticem in bosco predicto percepit nec in aliis

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most substantial persons, elected a woodward up to the date of the last Eyre, for whom the commoners were willing to answer in Court, and his duty was to guard the wood and the common therein lest strangers should consume it. Further, the lords of Pickering from time immemorial, as well in the time of the King's ancestors as of the Earls of Lancaster, always had the chief guardianship of the wood; and neither Amary Gegge nor William Thurnef nor Thomas de Ebberston, whose estate in the wood Robert Wyerne and Thomas Thurnef have, ever had a woodward except one elected by the commoners. On this ground they are ready to prove that the allowance of the claim enured to the prejudice of the King, the Earl and the other commoners of the township. Further, they say that none of the predecessors of the claimants Amary Gegge, William Thurnef or Thomas de Ebberston ever had or claimed to have the bark of any oaks given to any persons, except from their own tenants and from the small occupiers in the township at the time when Thomas de Ebberston, father of the Thomas de Ebberston, who sold the manor to Amary Gegge and William Thurnef, was bailiff of the manor of Pickering; when the small occupiers gave him the bark and oak out of pure good will and as a gift. After Thomas de Ebreston was removed from his bailiwick and office he never appointed a woodward, received any bark, or

\* Probably should be "de Ebreston."



proficuis sive libertatibus in predicta villa,\* nisi ut comunarius ejusdem ville; et hoc parati sunt verificare etc. Et sic dicunt quod predicti Robertus filius Willelmi et Thomas Thurnyf seu antecessores seu feoffatores ipsorum Roberti et Thome unquam aliquem wodewardum in eleccione sua seu corticem vel quercum in predicta villa de predictis Roberto de Scarbeburgh et Thoma Whyt seu antecessoribus seu feoffatoribus suis habuerunt nisi pro voluntate comunariorum et tenencium ville predictæ; et dicunt quod clamea predicta eis sic allocata in exheredacionem domini Regis et heredum suorum, si prefatus Comes sine herede de corpore suo exeunte obierit, et ejusdem Comitum et aliorum comunariorum et tenencium ville predictæ facta fuerunt, per quod petunt quod clamea predicta adnullentur et omnino revocentur etc. Et super hoc dies datus est partibus predictis coram domino Rege in octabis Sancti Hillarii ubicumque etc, in statu quo nunc etc, salvis partibus etc.

Ad quem diem veniunt predicti Robertus de Scardeburgh et Thomas Whyte coram domino Rege et asserunt se nolle ulterius proseguir ad presens versus prefatos Robertum filium Willelmi et Thomam Thurnyf. Ideo iidem Robertus filius Willelmi et Thomas inde sine die etc.

Year Book Term Mich. 21 Ed. III., No. 70, fo. 124, *et seq.*

Scire Facias. Rob. de Scaburgh et Rob. Wiche suirent un Scire Facias vers un A. et B. sils scavoient rien dire pour que un claim mis

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enjoyed any other profits or liberties in the township, except as a commoner. This they are ready to prove. Therefore they say that neither Robert Wyerne and Thomas Thurnef nor their ancestors or feoffors ever had the right to elect a woodward, or to take bark or oak in the township from Robert de Scarborough and Thomas White or their ancestors or feoffors, except at the good will of the commoners and tenants. They say that the allowance of the claim will prejudice the King and his heirs in case the Earl should happen to die without issue, and also prejudices the Earl and the other commoners and tenants, and they pray that it may be quashed. The matter is adjourned until Hillary Term, 1349, where Robert de Scarborough and Thomas White appear and enter a *nolle prosequi*.

Robert de Scarborough and Thomas White sued a writ of *scire facias* against A. and B., to show cause why a claim made by the said

\* The verb is omitted.

† A demurrer to the prayer, as the next extract shows, had been overruled, but it is possible either that another demurrer had been successful, or that it appeared to the legal advisers of the petitioners that a stronger case could be made out. See next entry.

par les dits A. et B. devant les Justices del Forest de Pikering et allow a eux ne serra reverse de ce qu'ils claiment avoir en le bois de E. et pristoner [? presenter] un gardien propre et aussi avoir leschert [? lescorce] en mesme le bois quel claim a eux fut allowe ad exheredationem dictorum Rob. et aliorum comunariorum ejusdem villae, et tout cele record ils ont fait venir en Banc le Roi par proces, et ils declarent hors del brief que tous ceux de la dite ville ont use de eslire un Wodeward par ii ou iii de meilleurs. Et aussi tous les comunaries ont eu lescheues et reasonable estovers en le dit bois come apend tout temps.

Skip. Les grevances sont auxi bien supposees aux autres qui ne sont paz nommes en cest brief, come a ceux qui sont. Pourquoi jugement de brief. Momb. Combien que le grevance est suppose aux autres ja demains la suite est done a ceux qui veulent pleindre, ou si tous les furent de leur accord ce ne grevera paz nostre suite. Skip. Ceux ij qui font ore cest suite neussent paz este receves de mettre leur claim en Eyre pour eux et pour les autres. Bank. Si tous fussent nommes per vrais dit le non suit de lun abatra tout le bref que ne peut estre. R. Th. Les ii avoient un assise sans les autres. Bank. Et si un profit

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A. and B. before the Justices of Pickering Forest and allowed by them should not be reversed so far as they claimed to have the right of presenting their own woodward in Ebberston Wood and also to have the bark in the same wood. The allowance of the claim was said to be to the damage of the said Robert and the other commoners of the township, and the record was brought by process of law into the King's Bench; and they declared outside their writ that all the men of the township had been wont to choose a woodward by the voice of two or three of the most substantial.

They also claimed that the commoners had ever had fallen wood [?] and reasonable estovers as common appendant.

Skipwith; \*—The damages are alleged to have been suffered as well by others who are not named in the writ as by those who are; wherefore we ask for judgment of the writ. Mowbray;—Notwithstanding that others are alleged to have suffered damage a right of action is given to those who are willing to plead, for our action ought not to be prejudiced merely because all the rest are in accord with the claimants. Skipwith;—The two who now bring their action would not have been allowed in the Eyre to have claimed for themselves and the others. Bankwell;—If all had been named, to tell the truth, the nonsuit of one would have made the writ abate, which ought not to be. R. Thorpe;—The two had an assize without the rest. Bankwell;—and if a

\* Skipwith and Mowbray were Counsel, Bankwell and Robert Thorpe Justices.

soit grante a un communalte en Gildable hors de le Forest il covient que claim soit mise par eux tous ; mais autre est dans le Forest ou chascun aura accion a parluy de ce que a luy attient. Et apres le brief fut agard bon.

Coram Rege Easter 22 Ed. III, m. 40.

[The record commences in the same manner as the preceding. The distinctions are so few that it is not worth while to set out the whole. The trial was fixed for Easter term ; the warning was served by Geoffrey del Cote and John Gotson. After stating, as before, that the Sheriff had issued the warning, it proceeds.] Qui quidem Robertus filius Willelmi et Thomas Thurnyf per premunicionem illam coram domino Rege per Johannem de Hakethorn attornatum suum ad diem illum veniunt, et predicti Robertus de Scardeburgh et Thomas White dicunt quod clamea ipsorum Roberti filii Willelmi et Thome Thurnyf in itinere predicto per ipsos Robertum filium Willelmi et Thomam Thurnyf facta et eis allocata omnino fuerunt in exheredacionem domini Regis et Henrici Comitum Lancastrie, domini manerii et honoris de Pikering et comunariorum et tenencium ejusdem ville de Ebreton, quia dicunt quod quoad hoc quod predictus Robertus filius Willelmi et Thomas Thurnyf clamabant habere wodewardum ad custodiendum boscum suum de Ebriston, tanquam pertinentem ad manerium suum de Ebriston, asserendo illud fore manerium in seisina cujusdam Thome de Ebreton feoffatoris Americi Gege et Willelmi Thurnyf

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profit be granted to a community in geldable land outside the Forest, the claim must be made by all, but it is otherwise in the Forest, where every man can bring an action by himself for whatever concerns him. Afterwards the writ was held to be good.

Easter, 1348.

Robert de Wyerne and Thomas Thurnef appeared by John de Hawthorn their attorney, and Robert de Scarborough and Thomas White said that the allowance of the claim in the Eyre prejudiced the King, the Earl, and the commoners and tenants of Ebberston. For whereas they claim that their predecessor in title, Thomas de Ebberston, while seised of the manor of Ebberston, had as appurtenant thereto a woodward to keep his wood, the petitioners say that the so-called manor consists only of a messuage, six tofts and crofts lately united and built upon, and two carucates of land which are now equally divided between Robert Wyerne and Thomas Thurnef. Further, Thomas de Ebberston never had any estate in the wood, except as a

quorum statum iidem Robertus et Thomas nunc clamant, tenementa illa non sunt nisi\* unum mesuagium, sex tofta et crofta de novo unita et superedificata ac due carucate terre, que quidem mesuagium et terre inter ipsos Robertum Wyerne et Thomam Thurnyf jam equaliter dividuntur, absque hoc quod idem Thomas de Ebriston aliquem statum habuit in eodem bosco nisi ut comunarius et convicinus ejusdem ville, est omnis idem boscus Henrici Comitis Lancastrie, capitalis domini ville et bosci predictorum ut parcella manerii de Pikeryng, et iidem Robertus de Scardeburgh et Thomas Whit et Robertus filius Willelmi et Thomas Thurnif sive comunarii ejusdem ville, videlicet Gilbertus de Aton Chivaler tenens immediate prefati Comitis quarte partis ejusdem ville, Radulfus de Hastyng tenens quarte partis ejusdem ville, Priorissa de Yedyngham tenens tercie partis ejusdem ville et alii tenentes immediati ejusdem Comitis in eadem villa et comunarii ejusdem ville, nichil habent in bosco predicto nisi comunam pasture et racionabilia estoveria, videlicet quercus ex liberatione ministrorum ipsius Comitis in curia sua de Pykering que nominantur attachiamenta de Pykering, petendo boscum suum et subboscum suum pro carucis suis et herceis et aliis necessariis absque liberatione forestariorum tanquam pertinencia ad liberum tenementum suum in eadem villa, et dicunt quod omnes comunarii ejusdem ville habuerunt wodewardum per ipsos comunarios† ville predictae electum et per duos vel tres de melioribus ipsorum nomine predictorum comunariorum presentatum usque tempus ultimi itineris supradicti, et

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commoner and neighbour‡ of the township, which wood entirely belongs to Henry Earl of Lancaster, the chief lord of the township and wood, as parcel of the manor of Pickering; and neither Robert de Scarborough, Thomas White, Robert Wyerne and Thomas Thurnef, nor any of the commoners, such as Sir Gilbert de Ayton, who holds directly from the Earl one-fourth of the township, Sir Ralph de Hastings, who holds the same, the Prioress of Yedingham, who holds a third part, and the other immediate tenants of the Earl have any rights in the wood, except common of pasture and reasonable estovers, as appurtenant to their freeholds, namely, oaks at the livery of the Earl's foresters in the Attachment Court of Pickering, and by seeking for dry wood and underwood for their ploughs and harrows and other necessaries without livery of the foresters. All the commoners of the township up to the date of the last Eyre elected a woodward, who was presented by two or three of the most substantial men amongst them in the name

\* They now refuse to admit that it constituted a manor.

† This amendment is worth notice.

‡ Common of vicinage is the term that naturally occurs to one.

pro quo comunarii predicti respondere voluerunt in curia supradicta ad custodiendum in bosco illo predicti Comitis comunam (super) predictam ne communa predictae ville per extraneos destrueretur, et dicunt quod domini de Pikering a tempore quo non extat memoria tam tempore progenitorum domini Regis quam tempore Comitum Lancastrie superiorem custodiam bosci predicti semper habuerunt, ut domini bosci, vasti et soli usque ad divisam que vocatur Cokedyke, infra quam divisam tenentes immediati predicti ipsius Comitis totum solum infra illam divisam tenent ut participes equi status prout indivise; et dicunt quod nec predictus Amarius Gegge nec Willelmus Thurnif nec predictus Thomas de Ebreston quorum statum predicti Robertus filius Willelmi et Thomas Thurnyf habent in bosco predicto nunquam aliquem wowardum ibidem habuerunt nisi per eleccionem comunariorum ville predictae sicut predictum est. Et sic dicunt quod clamea predicta in itinere predicto ad exheredacionem domini Regis et prefati Comitis et ceterorum comunariorum ejusdem ville eis erat allocatum [*sic*] et hoc parati sunt verificare etc. Dicunt etiam quod predicti Amarius et Willelmus quorum statum iidem Robertus filius Willelmi et Thomas Thurnif habent in tenementis predictis nec predictus Thomas de Ebreston corticem de aliquibus quercubus aliquibus liberatis habuerunt seu habere clamaverunt, nisi de tenentibus suis propriis seu parvis tenentibus ville predictae tempore quo Thomas de Ebriston, pater predicti Thome de Ebriston qui predicta mesuagia

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of all and for whom the commoners were willing to answer in Court, to guard their common in the Earl's wood lest it be consumed by strangers; but from time immemorial the Lords of Pickering, as well in the days of the Kings of England as of the Earls of Lancaster, always had the chief guardianship of the wood, as being lords of the wood, waste and soil, up to the boundary called Cook dike, within which boundary the immediate tenants of the Earl hold the whole soil as tenants in common in equal undivided shares. Neither Amery Gegge, nor William Thurnef, nor Thomas de Ebberston, whose estate in the wood Robert Wyerne and Thomas Thurnef have, ever had a woodward, except one elected by the commoners. On this ground they are ready to prove that the allowance of the claim enured to the prejudice of the King, the Earl, and the commoners. Further, they say that none of the predecessors of the claimants Amery Gegge, William Thurnef, or Thomas de Ebberston ever had or claimed to have the bark of any oaks given to any persons, except from their own tenants and from the small occupiers in the township at the time when Thomas de Ebberston, the father of the Thomas de Ebberston who sold the messuage and lands to Amary Gegge and William Thurnef, was bailiff

et terras prefatis Amarico et Willelmo Thurnyf alienavit, extitit ballivus manerii de Pikeryng, qui corticem quercuum tunc temporis suarum eis liberatarum pro timore officii sui ei concesserunt ; et dicunt quod post remocionem prefati Thome de Ebriston a balliva sua et officio suo predictus Thomas wodwardum nec corticem in bosco predicto percepit nec in aliis proficuis sive libertatibus in predicta villa nisi ut comunarius ejusdem ville, et hoc parati sunt verificare etc ; et sic dicunt quod predicti Robertus filius Willelmi et Thomas Thurnyf seu antecessores seu feoffatores ipsorum Roberti et Thome nunquam aliquem wodwardum in eleccione sua seu corticem vel quercum in predicto bosco de predictis Roberto de Scardeburgh et Thoma White seu eorum feofatoribus vel eorum antecessoribus habuerunt, nisi pro voluntate comunariorum et tenencium ville predicte ; et dicunt quod clamea predicta eis sic allocata in exheredacionem domini Regis et heredum suorum, si predictus Comes sine herede de corpore suo exeunte obierit, et ejusdem Comitum et aliorum comunariorum et tenencium ville predicte facta fuerunt etc. Dicunt eciam quod idem Thomas de Ebreston nec aliqui antecessores sui seu aliqui alii a tempore quo non extat memoria terras et tenementa illa tenentes ante tempus ultimi itineris etc in quocumque itinere in foresta de Pikeryng tento temporibus retroactis unquam aliqua clamea de eisdem wodwardo et cortice proposuerunt, nec aliquas hujusmodi libertates seu aliquem statum in eodem bosco clamaverunt, nisi ut comunarii et convicini, prout manifeste liquere potest per recordum et rotulos domini Willelmi de Vescy et sociorum suorum nuper in eadem foresta de Pykeryng Justiciario-

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of the manor of Pickering, when the small occupiers, from fear of his office, gave him the bark from their livery oaks. After Thomas de Ebberston was removed from his bailiwick and office he never appointed a woodward, received any bark, or enjoyed any other profits or liberties in the township except as a commoner. This they are ready to prove. Therefore they say that neither Robert Wyerne and Thomas Thurnef nor their ancestors or feoffors ever had the right to elect a woodward, or to take bark or oak in the township from Robert de Scarborough and Thomas White, or their ancestors or feoffors, except at the good will of the commoners and tenants. They say that the allowance of the claim will prejudice the King and his heirs in case the Earl should happen to die without issue, and also prejudices the Earl and the other commoners and tenants. Moreover they say that neither Thomas de Ebberston, nor any of his ancestors, nor any of the occupiers of the lands in question from time immemorial ever in any Forest Eyre held at Pickering up to the last made any claims to the woodward and bark, or to such like liberties, and never claimed any estate

rum itinerancium seu aliorum quorumcumque Justiciariorum ibidem itinerancium retroactis temporibus, quousque jam in ultimo itinere tempore Regis nunc tento apud Pykeryng prefati Robertus de Wyerne et Thomas Thurnyf in fine ejusdem itineris proposuerunt clamea predicta clam et subdole machinantes tam ipsum Regem ad quem spectat reversio manerii et honoris de Pykeryng per formam doni nuper Edmundo Comiti Lancastrie inde facti, quam ipsum Comitem qui nunc est exheredare, ac participes, convicinos et communarios ejusdem ville de Ebriston colore illius clamei sic subdole propositi subpeditare et subjugare, per quod petunt quod clamea illa omnino revocentur et adnullentur etc.

Et predicti Robertus filius Willelmi et Thomas Thurnif dicunt quod clamea illa eis in itinere predicto rite et legitimo modo allocata fuerunt, dicunt enim quod predictus Robertus de Wyerne et Thomas de Ebreton et omnes tenentes manerium predictum habuerunt wodewardum et corticem de omnibus quercubus succisis in bosco de Ebreton et per ballivum et forestarios domini de Pikeringe liberatis, sicut ipsi per clameum suum supposuerunt; et hoc parati sunt verificare etc.

Et Robertus de Scardeburgh et Thomas White dicunt quod nec prefatus Thomas de Ebreton nec antecessores sui seu aliqui alii terras et tenementa tenentes a tempore quo non extat memoria unquam

in the wood except as commoners and neighbours, as will appear from the Forest Rolls of William de Vescy and his fellows, late Justices itinerant in the forest, and of any other Justices itinerant in past times. But at the end of the last Eyre Robert de Wyerne and Thomas Thurnef secretly and craftily made their claims, imagining mischief as well against the King who, according to the form of the gift to Edmund Earl of Lancaster, is entitled to the reversion in the Manor and Honour of Pickering as against the Earl himself, and to supplant and oppress their tenants in common, neighbours and commoners of the township of Ebberston by colour of a claim so craftily made. Wherefore they pray that the claims may be disallowed.

But Robert de Wyerne and Thomas Thurnef maintain that the allowance of their claims in the last Eyre was regular and in accordance with law, for they are ready to prove that all former occupiers of the manor had a woodward, and the bark of all oaks felled in Ebberston wood and delivered by the bailiff and foresters of Pickering, as mentioned in their claim.

This Robert de Scarborough and Thomas White explicitly deny, and say that they never had any estate in the wood, except as commoners and neighbours of the township, until the time of Earl Edmund, who

eleccionem wodewardi nec corticem de omnibus quercubus succisis prout ipsi per clamea sua supponunt, separati habuerunt nec aliquem statum nisi ut comunarii et convicini ville predicte habuerunt, quousque tempore Edmundi Comitis qui manerium de Pikerynge unde predicta villa de Ebreston est parcella tenuit ex dono Henrici Regis proavi etc, quo tempore predictus Thomas de Ebreston fuit senescallus et ballivus manerii et honoris de Pikerynge, et quo tempore quidam parvi tenentes ejusdem ville ipsum Thomam pro timore officii sui corticem de quercubus succisis eis liberatis capere permiserunt et extorquere, set nec de prefatis Roberto de Scardeburgh nec Thoma White nec eorum feoffatoribus nec eorum antecessoribus aliquam corticem de quercubus suis eis liberatis habuerunt prout per clamea sua supponunt, nec eleccionem wodewardi, nisi in communi cum aliis convicinis et comunariis ville predicte, nec aliqua clamia de eisdem libertatibus temporibus retroactis per ipsum Thomam de Ebreston seu alios quoscumque terras et tenementa illa tenentes coram quibuscumque Justiciariis in foresta predicta itinerantibus allocata fuerunt, usque jam in itinere tempore Regis nunc tento apud Pikerynge predictus Robertus filius Willelmi et Thomas Thurnef in fine ejusdem itineris clamia illa proposuerunt, qui terras et tenementa illa eis adquisita de novo tenent etc, et sic subdole machinantes tam ipsum Regem ad quem spectat reversio predictorum manerii et honoris etc per formam doni facti prefato Edmundo nuper Comiti Lancastrie, quam ipsum Comitem qui nunc est exheredare ac participes, convicinos et comunarios ejusdem ville colore clameorum predictorum subjugare; et hoc petunt quod

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held the Manor of Pickering, of which the township of Ebberston is parcel, by gift from King Henry III. Thomas de Ebberston was then steward and bailiff of the Manor and Honor of Pickering, and certain small occupiers of the township from fear of his office allowed him to take by extortion the bark of their livery oaks which had been felled, but they never had the bark of any of the livery oaks of Robert de Scarborough or Thomas White, or their feoffors or ancestors as they allege in their claim, nor did they ever elect a woodward except in common with the neighbours and commoners of the township. Moreover, neither Thomas de Ebberston, nor any other occupiers of the lands ever in times past, were allowed their claims to any of the liberties before any Justices of the forest, until in the last Pickering Eyre Robert de Wyerne and Thomas Thurnef (who had only lately acquired the lands) made their claim at the end of the Eyre, craftily imagining mischief against the King, in respect of his reversion, and against the Earl, and hoping to oppress their tenants in common, neighbours and commoners by colour of their



inquiratur per patriam ; et predicti Robertus filius Willelmi et Thomas Thurnef similiter. Ideo veniat inde Jurata coram domino Rege a die Sancte Trinitatis in xv dies ubicumque etc, et qui nec etc, ad recordum etc, quia tam etc.

Coram Rege Trin. 22 Ed. III. m. 43<sup>d</sup>.

Jurata inter Robertum de Scardeburgh et Thomam White tenentes et communarios ville de Ebreston querentes et Robertum filium Willelmi Wyern et Thomam Thurnyf ad recognoscendum etc si predicti Robertus filius Willelmi et Thomas Thurnyf habuerunt wodewardum ad custodiendum boscum suum de Ebreston secundum assisam foreste et corticem de omnibus quercubus succisis et per ballivum et forestarios domini de Pykeryng alicui liberatis in bosco de Ebreston ante ultimum iter prout per clameum suum in ultimo itinere foreste Henrici Comitis Lancastrie de Pykeryng coram Ricardo de Wylughby et sociis suis Justiciariis itinerantibus ad placita foreste predicte in comitatu predicto assignatis die Lune proximo post festum Sancti Michaelis anno regni Regis nunc Anglie octavo clamatorum [? clamaverunt], vel si predicti Robertus de Scardeburgh et Thomas White et alii communarii habuerunt wodewardum et corticem de omnibus quercubus similiter prout ipsi in Curia Regis coram Rege placitando supponunt, nisi in communi cum aliis communariis et convicinis ville predicte, que quidem clamea eis allocata fuerunt in itinere predicto in exheredacionem ipsorum Roberti de Scardeburgh et Thome White et aliorum communariorum ville predicte, sicut predicti Robertus filius Willelmi et Thomas Thurnyf dicunt, vel non sicut predicti Robertus de Scardeburgh et Thomas White dicunt necne, ponitur in respectum

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claims. They pray an inquiry, and Robert de Wyerne and Thomas Thurnef do the like. A Jury is summoned for the following Trinity Term.

Trinity Term, 1348.

The Jury between Robert de Scarborough and Thomas White, tenants and commoners of the township of Ebberston, plaintiffs, and Robert Wyerne and Thomas Thurnef, defendants, is respited until Michaelmas Term because none of the Jury were present. The question at issue is whether Robert de Wyerne and Thomas Thurnef had, as they allege, a woodward, according to the Assize of the Forest, to guard their wood at Ebberston, and also had the bark from all oaks felled in that wood and delivered to any person by the bailiff and foresters of Pickering, as the defendants successfully claimed in the Forest Eyre, held on the 6th Oct., 1334, before Richard de Willoughby and his

usque a die Sancti Michaelis in xv dies ubicumque etc. propter defectum Juratorum quia nullus etc. Ideo vicecomes habeat corpora etc.

Coram Rege Mich. 22 Ed. III. m. 1.

. . . . ponitur in respectum usque in Octabas Sancti Martini ubicumque etc. (as before).

id. m. 102<sup>d</sup>.

. . . . ponitur in respectum usque a die Sancti Hillarii in xv dies ubicumque etc per defectum Juratorum qui nullus etc. Ideo vicecomes habeat corpora etc, et preceptum est vicecomiti quod non omittat propter libertatem de Pykeryng quin etc, et vicecomes apponat octo tales etc.

Coram Rege Hill 23 Ed. III. m. 48<sup>d</sup>.

. . . . ponitur in respectum usque a die Pasche in tres Septimanes . . .

Coram Rege Pash 23 Ed. III. m. 26<sup>d</sup>.

. . . . ponitur in respectum usque a die Sancti Johannis Baptiste in xv. dies. . . .

[Unfortunately the Coram Rege Roll of Trinity 23 Ed. III. is missing, and as I do not find the action referred to in any later Rolls I am afraid that it was determined in that term, and that the record of it is lost.]

Coram Rege Trin. 22 Ed. III. m. 26.

Robertus de Scardeburgh chivaler per Willelmum de Wissynden

fellow Justices, or whether, as the plaintiffs allege, they and the other commoners elected the woodward in common and had their own bark.

Michaelmas Term, 1348.

It was again respited to Martinmas, and afterwards to Hillary Term, peremptory directions being given to the Sheriff to summon the Jury.

Hillary Term, 1349.

It was respited until Easter Term.

Easter Term, 1349.

It was respited until Trinity Term.

Trinity, 1348.

Sir Robert de Scarborough by his attorney William de Whissendine

attornatum suum optulit se [quarto]\* die versus Thomam Thurnyf, Thomam de Westhorp, Henricum de Repplee, Johannem of the Dale et Robertum Wigan ballivos Henrici Comitis Lancastrie de Pikeryng de placito quare cum ad communem utilitatem regni Anglie sta[tutum] sit quod nullus de eodem regno distringatur per averia carucarum suarum vel per oves pro de[bitis] Regis aut alienorum seu alia quacumque causa aut occasione per ballivos seu ministros Regis aut aliorum quamdiu a[lia] habeat averia per que rationabilis districcio super ipsum fieri possit pro debitis illis levandis ex[ceptis] dumtaxat averiis illis que in dampno alicujus inventa secundum legem et consuetudinem [regni] Regis Anglie imparcari contigerint, predicti Thomas, Thomas, Henricus Johannes et Robertus Wygan [averia] predicti Roberti de Scardeburgh de caruca sua apud Yedyngham contra formam statuti [predicti] ceperunt et imparcaverunt et ea ibidem diu imparcata detinuerunt contra legem et consuetudinem regni Regis Anglie et contra pacem Regis etc. Et ipsi non veniunt et preceptum fuit vicecomiti quod attacheret eos etc; et vicecomes retornavit quod precepit Thome Thurnyf ballivo libertatis de Pikeryng qui nichil inde fecit etc. Ideo sicut prius preceptum est vicecomiti quod non omittat propter libertatem predictam quin attachiat prefatos Thomam Thurnyf et alios quod sint coram Rege a die Sancti Michaelis in xv dies ubicumque etc, et unde etc.

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appeared against Thomas Thurnef,† Thomas de Westhorp, Henry de Rippley, John of the Dale and Robert Wigan, bailiffs of Henry, Earl of Lancaster, at Pickering, on the ground that whereas for the general welfare of the land it was ordained ‡ that no distress should be levied on beasts of the plough or sheep, whether for the debts of the King or of others, for any reason or any occasion whatsoever, by the bailiffs and officers of the King or of others so long as there are any other beasts on which distress can be levied, always excepting an impounding by common law of cattle damage feasant. Nevertheless the bailiffs mentioned took Sir Robert's beasts from his plough at Yedingham contrary to the form of the statute, impounded them and kept them contrary to law. They do not appear, and the Sheriff was directed to attach them; he made his return that he had directed Thomas Thurnef,§ the bailiff of the honor, to serve process, but the latter had done nothing. The Sheriff is directed to serve process himself notwithstanding that it is within a liberty.

\* This roll is not in good order, having evidently been injured by water. The last word in every line is illegible.

† They were probably all under-foresters.

‡ 28 Edward I., c. 12.

§ One of the defendants.

Coram Rege (No. 354) Mich. 22 Ed. III. m. 3d.

Preceptum fuit vicecomiti sicut pluries quod non omitteret propter libertatem de Pykeryng quin per probos etc scire faceret Radulfo de Hastynges chivaler quod esset coram domino Rege ad hunc diem ubicumque etc auditurus recordum et iudicium suum de loquela que fuit in Curia Regis inter ipsum Radulfum et Priorem Hospitalis Sancti Johannis Jerusalem in Anglia de eo quod cum dominus Edwardus nuper Rex Anglie pater Regis nunc [here the grant of the Templars lands to the Hospitallers is set forth in the similar language to that at p. 144], et licet prefatus pater Regis nunc tunc vicecomiti suo Comitatus predicti precepisset sicut ceteris vicecomitibus regni sui pluries preceperit quod omnia terras et tenementa, dominia, feoda, ecclesiarum advocaciones et libertates predicta in balliva sua que fuerunt predictorum Magistri et Fratrum ordinis Milicie Temple in Anglia tempore cessacionis et adnullacionis predictarum in quorumcumque manibus essent, tam infra libertates quam extra, sine dilacione in manu dicti patris Regis nunc seisiri et ea post hujusmodi seisinam nomine ejusdem patris etc habitam predictis Priori et Fratribus Hospitalis liberari faceret, tenenda sibi et successoribus suis imperpetuum, idem tamen vicecomes manerium de Avestan [? Alverstan] quod fuit ipsorum Templariorum tempore cessacionis et adnullacionis predictarum, et quod Radulfus de Hastynges jam tenet, ut dicitur, occupatum, in favorem ejusdem Radulfi, in manu ipsius patris etc seisire et illud prefatis Priori et Fratribus Hospitalis liberare non curavit, sic quod manerium illud eis taliter adhuc detinetur in ipsorum Prioris et Fratrum Hospitalis dampnum non modicum et gravamen et contra formam statuti et mandati predictorum ; ita quod loquela illa tunc esset ibi in eodem statu in quo fuit in prefata Curia Regis coram ipso Rege in Octabis Sancte Trinitatis anno regni Regis nunc Anglie vicesimo et primo quando loquela illa remansit sine die eo quod predictus Radulfus

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Michaelmas, 1348.

The Sheriff was directed to summon Sir Ralph Hastings to hear judgments in the action between himself and the Prior of St. John of Jerusalem, who claimed that although King Edward II. had granted to the Knights Hospitallers all the lands which formerly belonged to the Templars, and had directed the Sheriff of Yorkshire, as well as the other Sheriffs, to seize and deliver to the Prior all the lands, tenements, demesnes, fees, advowsons, and liberties which formerly belonged to the Templars before their suppression, no matter in whose hands they might be, yet the Sheriff out of favour for Sir Ralph has seized and delivered to the Prior the Manor of Allerston, which is now occupied

profectus fuit in obsequium Regis ad partes transmarinas et habuit inde proteccionem Regis a quarto die Junii tunc proxime preterito usque ad festum Sancti Michaelis proxime sequentem etc. Et vicecomes retornavit quod breve adeo tarde etc. Ideo sicut pluries preceptum est vicecomiti quod non omittat propter libertatem predictam quin per probos etc scire faceret prefato Radulfo quod sit coram domino Rege in Octabis Sanctini Martini ubicumque etc, ad ostendendum etc, si etc, et ulterius etc, quod Curia etc, in forma predicta etc. Ad quem diem coram domino Rege venerunt predicti Prior et Fratres Hospitalis per attornatum suum, et vicecomes non misit breve. Ideo sicut pluries [a summons to appear at Hillary].

Coram Rege (No. 358) Hill. 24 Ed. III. m. 2.

[It was again adjourned to Easter following.]

Coram Rege (No. 359) Easter 24 Ed. III. m. 3d.

[The commencement is in practically the same language.]

Et modo coram domino Rege veniunt predicti Prior et Fratres per Robertum de Acastre attornatum suum, et predictus Radulfus quarto die placiti solemniter vocatus non venit, et vicecomes retornavit quod scire fecit ei per Johannem de Kirkeby et Johannem de Pykeryng ; Et super hoc iidem Prior et Fratres petunt execucionem etc. Ideo consideratum est quod iidem Prior et Fratres recuperent seisinam suam versus eum de predicto manerio cum pertinenciis, et idem Radulfus sine die etc. Et quia dubitatur de fraude inde inter eos prelocuta contra statutum\* quo cavetur ne terre seu tenementa ad manum mortuam deveniant quoquo modo, ideo veniat inde jurata xxiiij coram

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by Sir Ralph, and before the suppression of their Order belonged to the Templars. Last Trinity Term the action was adjourned because Sir Ralph was then beyond the seas in the King's service, and had a writ of protection from the 4th of June up to Michaelmas.

The Sheriff returned that there had been no time to serve process, and he was directed to serve process by the octave of Martinmas, on which day the Prior attended but the Sheriff had not sent the writ.

Easter, 1349.

And now the Prior appears by his attorney, Robert de Acaster, and Sir Ralph, though solemnly called on the fourth day, did not appear. The Sheriff returned that he had served process on him by John de Kirkby and John de Pickering. The Prior and Brethren pray execu-

\* 18 Ed. III., c. 3.

domino Rege in crastino Sancti Johannis Baptiste ubicumque etc per quos etc ad recognoscendum quale jus predicti Prior et Fratres habeant etc, et quis predecessor etc, et scire faciant capitalibus dominis etc quod sint coram domino Rege ad prefatum crastinum Sancti Johannis Baptiste ubicumque etc audituri juratam illam si etc, et interim cesset executio etc. Ad quem diem veniunt coram domino Rege predicti Prior et Fratres et vicecomes non misit breve, ideo sicut prius fiat inde breve in forma predicta retornabile coram domino Rege in Octabis Sancti Michaelis ubicumque etc, et vicecomes interim scire faciat capitalibus dominis etc quod sint coram domino Rege ad prefatum terminum audituri juratam predictam si etc. Ad quem diem veniunt predicti Prior et Fratres per attornatum suum predictum, et vicecomes non retornavit breve etc, ideo sicut pluries veniat inde jurata xxiiij coram domino Rege in Octabis Sancti Hillarii ubicumque etc nisi Willelmus Basset die Mercurii proximo post festum Sancti Lucie Virginis apud Eboracum prius venerit, et qui etc, ad recognoscendum etc, et vicecomes interim scire faciat capitalibus dominis etc quod sint coram domino Rege ad prefatas Octabas Sancti Hillarii ubicumque etc, vel coram prefato Willelmo Basset predictis die et loco etc audituri juratam illam si etc, et interim cesset executio etc, et vicecomes non omittat eo quod alias etc. Ad quem diem veniunt coram domino Rege predicti Prior et Fratres per Robertum de Acastre attornatum suum, et vicecomes retornavit quod breve adeo tarde venit quod illud exequi non potuit etc. Ideo sicut pluries veniat inde jurata xxiiij coram domino Rege a die Pasche in tres septimanas ubicumque etc nisi Willelmus Basset die Lune proximo post festum Annunciationis Beate Marie Virginis apud Eboracum prius venerit, et qui etc ad recognoscendum etc, et vicecomes interim scire faciat capitalibus dominis etc quod sint coram Rege ad prefatas tres septimanas Pasche ubicumque etc vel coram predicto Willelmo Basset predictis die et loco etc audituri juratam illam si etc, et interim cesset executio etc, et vicecomes non omittat eo quod alias etc. Ad quas tres septimanas Pasche coram domino Rege venit predictus Prior per attornatum suum etc, et pre-

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tion of the writ. Judgment is given that they recover seisin of the Manor. Afterwards doubts arise in the mind of the Court whether this is not a scheme to evade the provisions of the recent Statute of Mortmain, a jury of twenty-four is summoned for the 25th of June, 1350, and the chief Lords are summoned by writ of scire facias for that day. It was afterwards adjourned to Michaelmas Term, York Assizes, on the 15th of December, to Hillary Term, in King's Bench, and was finally tried at York Assizes, before William Basset, on Monday, 28th March, 1351. In Easter Term following William Basset entered the verdict

dictus Willelmus Basset coram quo etc tulit hic recordum veredicti in hec verba. Postea die et loco predictis coram prefato Willelmo Basset associato sibi Johanne de Upsale juxta formam statuti, venit predictus Prior per attornatum suum et similiter jurati ad hoc summoniti, qui quidem jurati triati et jurati dicunt super sacramentum suum quod manerium de Alvestan quod vocatur manerium Templariorum fuit in seisina Willelmi de la More quondam Magistri Milicie Templi in Anglia et idem Willelmus et predecessores sui, Magistri Milicie Templi predicti, a tempore quo memoria non existit fuerunt seisisi de manerio predicto ut de jure Templi sui predicti, et dicunt quod non est aliqua fraus nec colusio inter partes predictas. Ideo consideratum est quod predicti Prior et Fratres etc habeant inde execucionem etc.

Coram Rege No. (354) Mich. 22 Ed. III. (Fines) m. 5.

De Hugone de Neville nuper ballivo libertatis de Pykeryng vacabundo de fine pro capcione et arestamento Roberti le Lyster et pro capcione viginti solidorum a prefato Roberto colore officii sui per extorsionem unde indictatus est et per cognicionem suam convictus; per plegium Willelmi Courcy et Willelmi de Holthorp . . . . xx<sup>s</sup>.

id m. 6 (Fines).

De Thoma Thurnefe ballivo libertatis de Pikeryng quia non venit coram Rege ad prefatum diem [die Lune in Octabis Sancti Michaelis isto eodem termino] . . . . v<sup>s</sup>.

De eodem Thoma quia non retornavit panellum ad prefatum diem . . . . . x<sup>s</sup>.

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in the following terms:—"Afterwards before William Basset and John de Upsall, Commissioner of Assize, the Jury find that the Manor of Allerstons, called the Templars' Manor, formerly was in the seisin of William de la More, Master of the Templars, and that he and his predecessors were from time immemorial seised of the Manor in right of the Temple. They say that there was no fraud or collusion between the parties." Judgment is given in favour of the Prior.

Michaelmas, 1348.

From Hugh de Nevill, late bailiff of Pickering, fined for having arrested Robert the Dyer, and taken 20<sup>s</sup> from him by extortion, for which offence he was indicted and found guilty on his own confession. £1. Sureties, William Courcy and William de Holthorp.

From Thomas Thurnef, bailiff of Pickering, for not appearing in the King's Bench on Monday, 6 October, 1348, 5<sup>s</sup>; and for not returning the panell, 10<sup>s</sup>.

id m. 5d. (Fines).

De Roberto de Scardeburgh milite de fine pro subtraccione taxe sue quinte decime in villa de Ebreston in Pykeringlith ad quam assensus fuit, unde indictatus est et per cognicionem suam convictus, per plegium Roberti Paa de Scardeburgh et Willelmi de Pokelington . . . . di mar,

Coram Rege (355) Hill. 23 Ed. III. m. 6.

Item presentant quod Rogerus de Allestane, Thomas White de Ebreston et alii die Lune proximo post festum Sancti Johannis Baptiste anno regni Regis nunc Anglie decimo octavo apud Ebreston in quendam Johannem de Foxholes\* assignatum per commissionem vicecomitis Eboracensis ad levandam nonam garbarum domino Regi concessarum, scilicet de Roberto de Scardeburgh Chivaler decem libras in Ebreston et aliis de dicta taxa a retro existentibus vi et armis insultum fecerunt et ipsum ceperunt et in officio suo faciendo ipsum verberaverunt et vulneraverunt et male tractaverunt, in despectum domini Regis et in retardacionem negociorum suorum predictorum et ad dampnum ipsius Johannis de Foxholes centum librarum et contra pacem Regis, per quod preceptum fuit vicecomiti quod venire faceret coram Rege predictos Rogerum de Allerstane et alios ad respondendum domino Regi super premissis; qui quidem Rogerus de Allerstane et alii veniunt et allocuti singillatim qualiter se de premissis velint acquietare, qui premissa dedicere non possunt, set singillitim ponunt se ad gratiam Regis et fecerunt finem cum domino Rege occasionibus

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From Sir Robert de Scarborough fined for nonpayment of his fifteenth to which he was assessed in Ebberston; for which offence he was indicted and found guilty on his own confession, 6<sup>s</sup> 8<sup>d</sup>. Sureties, Robert Parr, of Scarborough, and William de Pocklington.

Hillary, 1349.

The Jury present that Roger de Allerstan, Thomas White, of Ebberston, and others, on Monday, 28th June, 1344, violently assaulted John de Foxholes, who had been appointed by the Sheriff to collect the arrears of the ninth sheaf† granted to the King, namely £10 from Sir Robert de Scarborough, and other arrears. They beat, wounded, and ill-treated him whilst in the execution of his office, in contempt of the King and delaying his business. John suffered damage to the extent of £100. The delinquents are summoned, appear and admit

\* From the preceding roll (384) (Fines m. 8d.) we learn that he was bailiff of the wapentake of Buckrose. Thomas White was fined 20s.

† See Nonarum Inquisitiones and Statutes, 14 Edward III., st. 1, c. 20.



predictis prout patet per rotulos finium de termino Sancti Michaelis anno regni Regis nunc Anglie vicesimo secundo. Ideo ipsi eant inde quieti etc.

id m. 10.

Item presentant quod qualibet vice qua villa de Ebreston oneratur cum taxacione domini Regis, videlicet ad quintodecimam cum centum solidis, Robertus de Scardeburgh miles qui tenens est partis ville predictae deberet pro porcione sua solvere ad quintodecimam cum communitate ville predictae sex solidos vel septem, unde nichil solvit in magna oppressione communitatis predictae.

Item presentant quod Hugo de Neville tempore quo fuit ballivus libertatis de Pykeryng colore officii sui cepit et arestavit quendam Robertum le Litterer nuper manentem in Ebreston et ligavit ejus manus tanquam latronem et felonem domini Regis, qui non fuit indictatus, et cepit de eo unum equum, armaturam et alia bona et catalla ad valenciam viginti solidorum. Postea idem Hugo mandavit predictum Robertum cum garcione sua versus Eboracum, qui quidem garcio in itinerando permisit ipsum evadere ab eo in villa de Malton.

id m. 6 (Fines).

De Hugone de Neville nuper ballivo de Pykeryng de fine pro diversis transgressionibus in comitatu predicto perpetratis unde coram domino Rege indictatus est et cognicione sua propria convictus, per legium Willelmi de Alverstan et Willelmi de Bulmer . . . di mar.

the offence; they throw themselves on the King's mercy and are fined the sums mentioned in the fine rolls of Michaelmas, 1348.

The Jury also present that every time that Ebberston township is charged with imperial taxation, for instance, when it is charged with £5 for the fifteenth, Sir Robert de Scarborough, who is tenant of part of the township, ought to pay 6<sup>s</sup> or 7<sup>s</sup> for his share. But he refuses to pay anything, and the rest of the township have to make up the difference.

Hugh de Nevill is indicted, for that whilst he was bailiff of Pickering, under colour of his office, he arrested one Robert the Dyer, lately residing in Ebberston, bound his hands as if he were a felon, though he had not been indicted, and took from a horse, harness and other goods and chattels to the value of 20<sup>s</sup>. Afterwards he entrusted him to his servant to take to York, but when they reached Malton the servant let his prisoner escape.

From Hugh de Neville, late bailiff of Pickering, fined for several offences committed by him in Yorkshire, for which he was indicted in the King's Bench and found guilty on his own confession, 6<sup>s</sup> 8<sup>d</sup>. Sureties, William de Allerston and William de Bulmer.

id m. 8d. (Fines).

De Roberto de Scardeburgh milite de fine pro diversis transgressionibus super ipsum coram domino Rege presentatis, unde per cognicionem suam convictus est, per plegium Roberti Ra et Ricardi de Cliderhowe . . . . xx<sup>s</sup>.

id m. 2 (Fines).

De Henrico de Ripplay subballivo de Pykeryng de fine pro eo quod arestavit bona et catalla Roberti de Scardeburgh apud Ebreston unde indictatus est et per cognicionem suam convictus per plegium Thome Thurnyf et Roberti de Roston . . . . xl<sup>d</sup>.

id m. 68. d.

Item presentant quod Henricus Rippelay subballivus de Pykeryng arestavit blada Roberti de Scardeburgh militis apud Ebreston anno regni Regis nunc vicesimo primo ad valenciam viginti marcarum pro dampnis adjudicatis Roberto de Wyern et Thome de Thurnef in quodam placito frisce forcie, videlicet centum solidis, et predicta blada detinuit sub arestamento predicto quousque idem Robertus predictos centum solidos eis solvisset, qui eis adjudicati fuerunt in Wappentachio de Pykeryng et hoc per preceptum Galfridi de Wryghtyngton et Thome Brett tunc ballivorum de Pykeryng.

From Sir Robert de Scarborough, fined for several offences for which he was indicted in the King's Bench, and found guilty on his own confession, £1. Sureties, Robert Wray and Richard de Clitherhoe.

From Henry de Rippley, sub-bailiff of Pickering, fined for having seized goods and chattels of Sir Robert de Scarborough, at Ebberston, for which he was indicted and found guilty on his own confession, 3<sup>s</sup> 4<sup>d</sup>. Sureties, Thomas Thurnef and Robert de Ruston.

The indictment set forth that he seized corn in the year 1347, to the value of £13 6<sup>s</sup> 8<sup>d</sup>, to satisfy a judgment for £5 given in the Wapentake Court of Pickering in favour of Robert de Wyern and Thomas de Thurnef, who brought an action of fresh force against Sir Robert. This he did by the direction of Geoffrey de Wrightington and Thomas Brett, then bailiffs of Pickering.

## INQUISITION.

Inq : p : m : 8 Ed. II. N<sup>o</sup> 63.

Inquisicio capta apud Pikering die Sabbati proximo post festum Sancti Michaelis anno regni Regis Edwardi filii Regis Edwardi octavo coram Johanne de Eure Eschaetore domini Regis ultra Trentam per sacramentum Willelmi Thornef, Petri de Nevill, Willelmi de Roston, Johannis de la Chimene, Johannis Sateman,\* Willelmi de Nevill, Edmundi de Hasting, Johannis de Bulmere, Rogeri de Pert, Willelmi Barde, Johannis de Kilwardeby et Willelmi Russel juratorum ad inquirendum quas terras et tenementa Willelmus de Vescy tenuit de domino Rege in capite in dominico suo ut de feodo in Wapentachio de Pikering die quo obiit et quantum de aliis, et per quod servicium, et quantum terre ille valent per annum in omnibus exitibus, et quis propinquior heres ejus sit, et cujus etatis; qui dicunt super sacramentum suum quod dictus Willelmus nichil tenuit de domino Rege in capite in Wapentachio predicto die quo obiit; et dicunt quod dictus Willelmus tenuit manerium de Brumpton de feodo domini Johannis de Mubray per servicium militare et valet per annum ijs; et tenuit ibidem in dominico sex carucatas terre et prati de feodo predicto per dictum servicium et valent per annum xxxviiij<sup>li</sup> viijs; et tenuit ibidem unum molendinum aquaticum de feodo predicto et valet per annum x<sup>li</sup>; et tenuit sex carucatas terre et prati in Saldene de feodo predicto que

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An inquisition taken at Pickering on Saturday 5 Oct. 1314 before John de Eure, Escheator beyond the Trent, and a jury sworn to inquire as to the lands which William de Vescy held in his demesne as of fee of the King in chief in the Wapentake of Pickering on the day of his death, and those that he held of others, and by what services, and their yearly value altogether, and who and how old his next heir is.

Verdict :—He held nothing of the King in chief in the said Wapentake; he held of the fee of Sir John de Mowbray by Knight service the manor of Brompton, yearly value 2<sup>s</sup>; six carucates of arable and meadow in demesne, yearly value £38 8<sup>s</sup>; a water-mill £10; six carucates of arable and meadow in Sawdon in the hands of free tenants holding by Knight service; twenty-eight cottages there £1 18<sup>s</sup> 4<sup>d</sup>; a piece of

\* The inquisition is torn, and the name is not quite clear.

sunt in manibus libere tenencium, et tenent per servicium militare ; et tenuit ibidem xxviiij cotagia de eodem feodo que valent per annum xxxviijs iiij<sup>d</sup> ; et tenuit ibidem unam placeam terre et valet per annum vj<sup>d</sup> ; et tenuit ibidem boscum qui vocatur Ayclif in Trucedall in separali de dicto feodo per dictum servicium, unde herbagium valet per annum xxx<sup>s</sup> ; et tenuit ibidem situm duorum grangiorum cum columbariis et quatuor tofta et septem bovas terre et prati de Comite Lancastrie in socagio et bondagio, et valent per annum vij<sup>li</sup> xiiij<sup>s</sup> xj<sup>d</sup> ob preter xxiijs qui assignantur Isabelle de Welle de Vescy nomine dotis de dictis tenementis ; et tenuit ibidem de dicto Comite tres carucatas et septem bovas terre et prati in socagio que sunt in manibus libere tenencium et reddunt per annum lijs v<sup>d</sup> ob, quos predictus Willelmus de Vescy solvit Castro de Pikering ; et tenuit ibidem v tofta que sunt in manibus libere tenencium et reddunt per annum pro omnibus servicis ijs iiij<sup>d</sup> ; et tenuit in Snaynton et Westhorp in Brumpton in dominico ix tofta et ix bovas terre et prati de feodo Rogeri le Bygod per servicium militare et valent per annum vij<sup>li</sup> iiij<sup>s</sup> ; et tenuit ibidem sex carucatas et sex bovas terre et prati de eodem feodo que sunt in manibus libere tenencium et tenent per servicium militare ; item tenet in Kekesgate\* unum toftum de dicto feodo et valet per annum ijs ; et dicunt quod situs ecclesie de Brumpton est de feodo predicti Rogeri, et sex bovate terre que sunt de dote vidue [?] sunt de feodo dicti domini Johannis de Mubray ; item tenuit in

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land there 6<sup>d</sup> ; Aycliffe Wood in Troutsdale in severalty, yearly value of the grazing £1 10<sup>s</sup>. He held of the Earl of Lancaster in socage and bondage the site of two barns with dovecotes, four tofts and seven oxgangs of arable and meadow, yearly value £7 14<sup>s</sup> 11½<sup>d</sup>, beyond £1 3<sup>s</sup> 0<sup>d</sup> assigned out of such tenements by way of dower to Isabella de Welle de Vescy ; three carucates and seven oxgangs of arable and meadow in the hands of free tenants paying £2 12<sup>s</sup> 5½<sup>d</sup> a year, which William de Vescy paid over to Pickering Castle ; five tofts in the hands of free tenants paying yearly 2<sup>s</sup> 3<sup>d</sup> for all services. He held in demesne by Knight service of the fee of Roger le Bygod, nine tofts and nine oxgangs of arable and meadow in Snainton and Westhorpe, yearly value £7 4<sup>s</sup> ; six carucates and six oxgangs of arable and meadow there in the hands of free tenants holding by Knight service ; one toft in Kekesgate 2<sup>s</sup>. The site of the Church of Brompton is in the fee of Roger le Bygod, and six oxgangs of arable, part of the widow's dower, are in the fee of Sir John de Mowbray.

\* I cannot identify this place, but it may be connected with Kekemarsh. See p. 133.

Roston unam bovatum terre cum pertinenciis de Thoma filio Walteri per servicium xvij<sup>d</sup> per annum de feodi Petri de Brus et valet per annum xiiij<sup>s</sup> iiiij<sup>d</sup>; et dicunt quod omnes terre et tenementa cum suis pertinenciis valent per annum in omnibus exitibus de claro lxx<sup>li</sup> vj<sup>s</sup> ix<sup>d</sup>; et dicunt quod dictus Willelmus de Vescy non obiit seisitus de predictis tenementis in dominico suo ut de feodo set de feodo talliato; quia Antonius quondam Episcopus Dunelmensis fuit seisitus de predictis tenementis in dominico suo ut de feodo, et inde feoffavit Willelmum de Vescy tenendum sibi et heredibus de corpore suo exeuntibus de capitalibus dominis feodi per servicia inde debita et consueta, et si contingat quod dictus Willelmus obierit sine herede de corpore suo exeunte, quod dicta tenementa remanerent Willelmo de Vescy de Kildare tenenda sibi et heredibus suis de corpore suo procreatis, et si idem Willelmus obierit sine herede de corpore suo exeunte tunc post decessum dicti Willelmi de Kildare omnia dicta tenementa integre remanerent rectis heredibus Willelmi de Vescy senioris; et dicunt quod dictus Willelmus de Vescy de Kildare obiit sine herede de corpore suo exeunte; et dicunt quod totaliter ignorant quis sit propinquior heres dicti Willelmi de Vescy senioris. Item dicunt quod illa pars bosci de Trucedal versus austrum de cujus feodo sit ignorant ad presens; et dicunt quod omnes tenentes Comitum Lancastrie et Johannis de Mubray debent ibidem cum averiis suis communicare et capiunt estoveria sua in predicta parti bosci predicti. In cujus etc.

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He held in Ruston one oxgang of arable of Thomas, son of Walter, at the service of 1<sup>s</sup> 6<sup>d</sup> a year of the fee of Peter Bruce, yearly value 13<sup>s</sup> 4<sup>d</sup>.

Total value of the above, £70 6<sup>s</sup> 9<sup>d</sup>. William de Vescy was seized of the above in fee tail since Anthony,\* Bishop of Durham, was seized thereof in fee, and granted them to William de Vescy and the heirs of his body, with remainder to William de Vescy of Kildare and the heirs of his body, with remainder to the right heirs of William de Vescy the elder. William de Vescy of Kildare died without issue, and they are entirely ignorant who is the next heir of William de Vescy the elder. Further, they say that they do not know in whose fee the southern part of Troutsdale Wood is, for both the tenants of the Earl of Lancaster and of John de Mowbray ought to have common of pasture and take estovers there.

\* This was probably only a conveyancing device for the purpose of creating an entail, and does not show that the Bishop ever had any interest in the lands; although the Bishop gave Alnwick and the Vescy property in Northumberland to the Percies.

## ACCOUNTS.

Accounts Exch. Q.R. Bdle 379. N° 17.

ij jour Daugst a Pikering. Paie a Wille Honte venour le Roi de don par nunciacion le dit Harsyk xx<sup>s</sup>; paie a Anneys la femme Roger de Mar porteur de la chaumbre de don x<sup>s</sup>; paie a Guiloct de la Pittere vadlet de la chaumbre ma dame le Roine de don xx<sup>s</sup>; paie a Dyton Waweyn vadlet Robert Waweyn, qui porta lettres au Roi de dit Robert de don ij<sup>s</sup>; paie a Johan fuitz Ibote de Pykering qui sewa le Roi tout un jour quant le Roi chacea a cerf en la chace de dit Pikeryng de don par comaundement x<sup>s</sup>; paie a Wauter de Semere mariner gardein de la nief dont Coek atte Wose feust mestre, apelle la Magdeleyne, de doun par les meyns Johan Harsyk receivaunt les deniers de lui bailler xx<sup>s</sup> . . . . iiij<sup>li</sup> ij.

xxij jour Daugst a Egynton sur la more de Blakho. Paie a Monsieur Roger de Felton chivaler de la chaumbre le Roi pour paier sa raunson en Escoce quant il fuist pris a Ryvaux en la compaignie le Conte de Rychemond en le moys Doctobre lan xvj de don par les meins Johan Harsyk liverant au dit Monsieur Roger les deners en la presence le Roi mesmes . . . . c<sup>li</sup>.

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3 August, 1323, at Pickering. Paid to William Hunt, the King's huntsman, by way of gift at the direction of Harsike—£1; to Agnes, wife of Roger de Mar, porter of the chamber, gift—10<sup>s</sup>: to Guillot de la Pittere, groom of the Queen's chamber, gift—£1; to Dighton Wawayn, valet of Robert Wawayn, carrying letters from his master to the King, gift—2<sup>s</sup>; to John, son of Ibote, of Pickering, who followed the King a whole day when he hunted the stag in Pickering Chase, gift by order—10<sup>s</sup>; to Walter de Seamer, mariner, keeper of the ship called the Magdalen, of which Cook atte Wose was master, a gift, the money being given to John Harsike to give him—£1. £4 2<sup>s</sup>.

23 August, at Egginton, on Blakey Moor. Paid to Sir Roger de Felton, Knight of the King's chamber, for his ransom at the time when he was taken by the Scots at Rievaulx in company with the Earl of Richmond, in October, 1322, a gift by the hands of John Harsike, who delivered the money to Sir Roger in the King's presence. £100.

xxvij jour Daugst a Grenehou sur la More de Blakho. Paie a William fuitz Thomas forester de doun par nunciacion J Harsyk v<sup>s</sup>; paie a Monsieur Guiles Beauchamp chivaller de la chaumbre le Roi de don xx marcs; paie a Emound Dorney palfreieur le Roi qui sewa toute foiz le Roi quant il chacea de don xx<sup>s</sup>. . . . xiiij<sup>li</sup> xj<sup>s</sup> viij<sup>d</sup>.

Darreïn jour Daugst a Glascowollehou. Paie a Hernest corour Monsieur Robert del Idle qui porta lettres au Roi de don vj<sup>s</sup> viij<sup>d</sup>; paie a daunz Thomas de Broghton moine de Rivaux pur li acchater un abyte de don x<sup>s</sup>. . . . xvj<sup>s</sup> viij<sup>d</sup>.

Primer jour de Semptembre [*sic*] au Chastel de Wherlton. Paie a William de Donestable page de la chambre mande de Wherlton a Cowick a la Dame la Despenser ove une blanche leverere grosse des chiels pur puture en alant par iij jours—iij<sup>d</sup> et pur les gages dit William alant et revenant par vj jours xij<sup>d</sup>; paie a Robyn Cole fevre le Roi pur carbon, fer et autres diverses choses qil avoit achate par comand le Roi dount il moustre au Roi les parcelles et paie ceo jour par comand le Roi—iiiij<sup>s</sup>; paie a Robert de la Vacherye et William Tonel garsons des foresters quant le Roi mist ces reyz per prendre cheverelles en le Park de Wherleton—ij<sup>s</sup>; paie en le dit Park a Johan de Bynnam hermyte de Ryvaux de don—xij<sup>d</sup>.

A Anneys la Rede et Alis de Wherlton chauntantz devant le Roi de

27 August, at Greenhow, on Blakey Moor. Paid to William, son of Thomas, forester, gift at the direction of John Harsike—5<sup>s</sup>; to Sir Giles Beauchamp, Knight of the King's chamber, a gift—£13 6<sup>s</sup> 8<sup>d</sup>; to Edmund Dorney,\* the King's palfreyman, who always followed the King when he hunted—£1. £14 11<sup>s</sup> 8<sup>d</sup>.

31 August, at Glascowollehouse.† Paid to Ernest, running footman of Sir Robert del Idle, who carried letters to the King, a gift—6<sup>s</sup> 8<sup>d</sup>; to Dan Thomas de Broghton, monk of Rievaulx, to buy him a coat, a gift—10<sup>s</sup>. 16<sup>s</sup> 8<sup>d</sup>.

1 September, at Whorlton Castle. Paid to William de Dunstable, page of the chamber, sent from Whorlton to Cowick to the Lady Despenser, with a white greyhound heavy in whelp for its keep three days going there, 3<sup>d</sup>, and for William's wages going and returning, six days—1<sup>s</sup>; to Robin Cole, the King's smith, for charcoal, iron and other things that he bought at the King's order, the particulars whereof he showed the King, paid this day by the King's order—4<sup>s</sup>; to Robert of the Cowhouse and William Tonel, foresters' servants, when the King set his nets to take roe deer in Whorlton Park—2<sup>s</sup>; paid in the said Park to John de Binham, hermit of Rievaulx, a gift—1<sup>s</sup>; to Agnes the Redhaired and Alice de Whorlton, singing of Simon de

\* [?] Dawney.

† I can identify few of these places.

Monsieur Simoun\* de Montfort et autres chaunsons de don—iiijs<sup>s</sup>; item a petyt Coek fuitz Coek atte Wose mariner mande de Wherlton a Noef Chaustel sur Tyne pur quere le dit Coek et Roger Catour mariners illoqs imprisonez de les faire venir a Roi de don pur ces despenses—ij<sup>s</sup>. . . . xiiij<sup>s</sup> iij<sup>d</sup>.

Jour† de Septembre a Rychemound. . . . Item livere a Andreu Rosekyn serjant le Roi sur acompte a Lokynton enpris Pikeryng—c<sup>s</sup> dount il acompta en presence le Roi ceo jour por xxvj pieres de menue corde, pris de chescune pere xij<sup>d</sup>,—xxvj<sup>s</sup>, por lxxix peres de greindre corde, pris de la pere xiiij<sup>d</sup>,—lxxiiij<sup>s</sup> ix<sup>d</sup>, et pur cariage des ditz cordes de Skardeburch tantqe Pykering—xij<sup>d</sup>, achatez par comandement le Roi pur faire reys pur prendre cerfs parla ou le Roi passe.

Jour de Septembre illoqs. Paie a Wille Venour le Roi de don porceqe Monsieur Hugh‡ recorda devant le Roi qe le dit Wille li avoit sui tout le jour par montaynes et valleys quant il chacea au Roi cerfs—xx<sup>s</sup>.

xxvij jour de Septembre a Skypton . . . . Paie par commandement

Montfort and other songs before the King, a gift—4<sup>s</sup>, to little Cook, son of the Cook atte Wose, mariner, sent from Whorlton to Newcastle-on-Tyne to seek the said Cook and Roger Cator, mariners imprisoned there, and to bring them to the King, a gift for his expenses—2<sup>s</sup> 14<sup>s</sup> 3<sup>d</sup>.

September, at Richmond. Delivered to Andrew Rosekin, the King's sergeant, £5 on his account rendered at Lockton, near Pickering, in the King's presence, namely, 26 stone of small cord at 1<sup>s</sup> a stone—£1 6<sup>s</sup>, 69 stone of thick cord at 13<sup>d</sup> a stone—£3 14<sup>s</sup> 9<sup>d</sup>, and carriage of the cord from Scarborough to Pickering—1<sup>s</sup>, bought by the King's order for nets to take deer on his journey.

September, at the same place. To William, the King's hunter, § a gift because Sir Hugh told the King that William had followed him a whole day over hill and dale when he hunted stags for the King—£1.

\* Amongst the Harl. MSS. (No. 2,253, Arts. 23, 24) there are preserved two songs relating to Simon de Montfort.

† The date is sewn up.

‡ Accounts Exch. Q.R. Bdle 379, No. 4, contains an account by Hugh Despencer the younger of expenses incurred by him in various counties, hunting game for the King, from July to the end of October, 1323.

§ This might possibly be William Twici, the author of the treatise mentioned at Vol. II., N.S., p. xxxvii.



le Roi a Lorchon sewer [?] pur augmone qe le Roi dona a Pykering iij<sup>d</sup>.

Paie a dit Peres\* sur les dites overaignes daprist sa acompte par comandement le Roi par les meins frere Johan moigne de Ryvaux portant au dit Peres les deners a Glascowollehouse en la more de Blakehow le darrein jour Daugst—vj<sup>li</sup> xiiij<sup>s</sup> iij<sup>d</sup>.

Accounts Exch. Q.R. Bdle 387 N<sup>o</sup> 9. 8 Ed. III.

xxvj die Maii. Elemosina—Domino Waltero de London, Elemosinario Regis, pro putura C pauperum in honore festi de Corpore Christi de speciali elemosina Regis per manus Henrici clerici sui apud Piking xxvj die Maii—xij<sup>s</sup> vj<sup>d</sup>; eidem pro sumpcione galee Regis sex vicibus in hastiludio de Wodestok, in torniamento de Novo Mercato una vice et in hastiludio de Brustwyk alia vice pro qualibet vice v<sup>s</sup> de speciali elemosina Regis—xl<sup>s</sup>, eidem pro decima de Dxxxj avibus de ripa pro qualibet decima iij<sup>d</sup> de consimili elemosina Regis—xiiij<sup>s</sup> iij<sup>d</sup>, et pro decima de clvij heronibus et v egretz pro qualibet decima vj<sup>d</sup> de consimili elemosina—viiij<sup>s</sup>.

Dona . . . Johanni le Harpouir Citharanti coram Rege apud Garton de dono Regis ibidem, eodem die—dimidiam marcam; Johanni Pulter et Willelmo Pope presentantibus domino Regi ex parte domini

26 September, at Skipton. Paid, by order of the King, to Lorchon Sewer [?] alms distributed by the King at Pickering—3<sup>d</sup>.

Paid to Sir Peter for the said operations comprised in his account by the King's order, brother John, monk of Rievaulx, carrying the money at [? from] Glascowellhouse, in Blakey Moor, to Sir Peter, the last day of August—£6 13<sup>s</sup> 4<sup>d</sup>.

1334.

26 May, Alms—to Sir Walter de London, King's almoner, for food for 100 poor on the feast of Corpus Christi at Pickering, at the hands of his clerk Henry—12<sup>s</sup> 6<sup>d</sup>; to the same on putting on [?] the King's helmet six times in the jousts at Woodstock, once in the tournament at Newmarket, and once in the jousts at Brustwick, 5<sup>s</sup> a time by special alms from the King—£2; to the same for tithe of 531 waterfowl at 3<sup>d</sup> the tithe, like alms from the King—13<sup>s</sup> 3<sup>d</sup>; and for tithe of 157 herons and 5 egretz at 6<sup>d</sup> the tithe, like alms—8<sup>s</sup>.

Gifts. To John the Harper, playing before the King at Garton, a gift from the King the same day—6<sup>s</sup> 8<sup>d</sup>; to John Poulterer and William Pope presenting to the King on the part of their master,

\* *i.e.*, Sir Peter de Pulford, clerk, for repairs at Flaxfleet.

Roberti de Tauton duos hobinos de dono Regis nomine feodi sui—j marcam.

Primo die Junii [N.B. at Beverley] Dona . . . Roberto de Bretgate ducenti domino Regi unum canem suum amissum apud Pikeryng de dono Regis ibidem eodem die—dimidiam marcam.

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Robert de Towton, two hobbies,\* a gift from the King by way of fee—13<sup>s</sup> 4<sup>d</sup>.

1 June [at Beverley], given to Robert de Bridgagate, leading to the King a hound lost at Pickering, a gift the same day—6<sup>s</sup> 8<sup>d</sup>.

\* The Hobby was a name used both for a small horse and also for a kind of hawk, *see* Halliwell, *s.v.*

## ANCIENT PETITIONS.

Ancient Petition, N<sup>o</sup> 10,022.\*

A nostre seignur le Roi e a son conseil moustre Rauf de Kirketon qe la ou sire Roger de Moubray ly dona pur son service la foresterie de Hovingham a tenir a terme de sa vye, pernaunt vynt souz pur une robe e cink quarters de furment par an e de [qe] fut seisi par la chartre le dit Roger, jeques a taunt qe sire Johan de Lythegreynes eschetur nostre seignur le Roi seisist en la main le Roi totes les terres le dit Roger e ly osta de cele foresterie. Par quei il pryé pur Dieux la grace nostre seignur le Roi qe remedie ly soit fet de ceste chose.

[Endorsed.] Le Roi le voet bien qil eit le purport de sa chartre.

Ancient Petition, N<sup>o</sup> 8,728.

A lur lige seignur le Rey de Engleterre mustrent ses homes de sa vile de Skartheburgh ke Wyllame Wythre e Roger Brabazun vos Justices del eyre de la foreste de Pickeringge a la requeste Sire Edmund vostre frere unt pris a tort de eus x livres a celes ke il purrunt estre en pees, e jalemenis grevousment les unt distreint de jour en jour pur fere les venir e pleder hors de vostre Burg a la vile de Pikingge

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The petition to King and Council of Ralph de Kirkton. Sir Roger de Mowbray by deed granted to him for his services the office of forester at Hovingham to hold for his life, receiving 20<sup>s</sup> for a coat and five quarters of wheat a year. He was so seised until Sir John de Lithgraines, escheator of the King, seized all Sir Roger's lands into the King's hands and deprived Ralph of his office, wherefore he prays for God's sake that the King will be favourable to him and see that the matter is put right.

[Endorsed.] The King desires that he should have what the deed purports to grant him.

The petition to the King of the men of Scarborough alleged that William Wither and Roger Brabazon appointed at the request of Lord Edmund, the King's brother, wrongfully took from them £10 to leave them in peace, and nevertheless grievously distrained them from day to day to make them come and plead beyond the Borough at Pickering

\* Compare with this Vol. II., N.S., p. 231.

encontre la chartre le noble Rey Henri vostre pere. E autrement ke unkes ne soleient en nuly tems puis la confettum de la chartre, sicom le record e le proces desuz vostre seal des autres Justices en autres eyres entestmoigne, ke autres Justices sunt venuz en la vile pur pleder les plez de la foreste de Pikingge, aussi bien com vos Justices de plez de la corune, e de plez\* de terre, e si vus soeffrez ke vos homes seient trez hors de vostre Burg a pleder encontre la chartre le noble Rey Henry vostre Pere, la quele il unt pleinement use deskes ensa aussi bien en plez de la foreste com en plez de terre ou de la corune, ou autrement ke ne soleient, les uns serroient reniz par malice de verders e de foresters, les autres utlagez encontre les fraunchises ke vostre pere le noble Rey Henry lur granta par sa chartre, e si serreit vostre Burg destrut e vos homes ennentyz par la foreste de Pikingge. E estre ceo vus† perdriez les fins e les raunzuns e les autres profiz les queus vus avez eu deskes ensa en toz les eyres. Purquey il vus prient com lur lige seigneur si vus plect lur estat meintener e sustenir, e ke vus del lur prengez com de vos homes a vostre volunte, ke autres ne prengent a tort parquey vostre vile enseit destrute. Ebor. Skartheburg.

[Endorsed] *Peticio hominum de Skartburgh. Coram domino Rege, coram consilio domini Regis alias in rotulo.*

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Town contrary to the Charter of Henry III. Never has this been the custom since the date of the Charter, as is proved by the record and process under the royal seal of other Justices in other Eyres, who came into the town [of Scarborough] to plead the pleas of Pickering forest as other Justices to plead pleas of the crown and pleas of land. If the King permitted his men to be drawn outside the Borough to plead contrary to the Charter which has clearly been enjoyed up to the present time as well in pleas of the forest as in pleas of land and of the crown, otherwise than custom has been, some would be ruined by the malice of the verderers and foresters and others outlawed contrary to the franchises granted in the Charter by King Henry III. So the Borough would be destroyed and the inhabitants brought to nought through Pickering Forest. Moreover the King would lose the fines, ransoms, and other profits which up to now he has enjoyed in all eyres. Wherefore they pray their liege lord at his good pleasure to maintain and uphold their estate, and to take from them at will what he takes from his other tenants, lest others take wrongfully from them and the town be destroyed.

The petition of the men of Scarborough. In the King's Bench. In the King's Council elsewhere in the roll.

\* Blotted.

† Because, at Pickering, these fines belonged to the Earls of Lancaster.

Petitiones in Parlamento.\* A.D. 1290. N<sup>o</sup> 115.

Homines de Chardeboht qui per cartam Regis non debent extra villam respondere petunt quod Justiciarii Domini Edmundi Fratris Regis qui distringunt eos ad respondendum apud Piking de articulis foreste et eos amerciarunt ad xl li. quia non venerunt ibidem ubi non solebant venire, et amerciamenta in utroque itinere ad opus Regis habere; et nunc aliter facere compelluntur.

Petitiones in Parlamento. A.D. 1278. 6 Edw. I. N<sup>o</sup> 29.

Ces sunt les peticions Emon devant nostre seigneur le Rey.

[The first relates to the Wapentake of Wirksworth.]

Derechef le Roy soen pere luy dona la forest de Pikinge ove les apurtenances; e pur ceo qe genz foreyns fount souvent leinz trespas de vert et de veneson dount il ne poet aver les amendes saunz ayde de la Court le Roy ne des autres choses qe lempede en Eyre des Justices de Forest il prie soen seigneur le Roy ke il luy ordeyne certain estat coment il eyt le amendes e le prou qe a luy apente.

Derechef prie ke son seigneur le Roy voile mander par ses lettres a aukuns tenaunts del honour de Lancastre e de West Wales e de aylours dount le nouns sont par desuz ke eus luy facent homages les queus homages le Roy soen pere luy dona, ce est asaver auteus lettres

The men of Scarborough, who by the King's Charter are exempt from answering outside their town, pray that the Justices of Lord Edmund, the King's brother, who are distraining them to answer as to the articles of the forest at Pickering, and are amercing them at £40 for not having come there [may be restrained]. They were not wont to come, and the fines in both Eyres should be levied to the King's use; but now they are being forced to act contrary to their custom.

The petitions of Lord Edmund before the King.

Henry III. granted to him Pickering Forest, but strangers often commit offences of vert and venison therein, and without the help of the King's Court he can get no compensation, nor can he of the other matters which are impleaded in Forest Eyres. He prays that he may be granted such an estate that he may have the fines and the amount that belongs to him.

Further he prays the King to direct by writ certain tenants whose names are written beneath of the Honor of Lancaster, of West Wales and elsewhere, to do homage to him. Henry III. granted to him the homages of them, and he asks for the same writ that Henry III. granted to him. The following hold elsewhere in chief of the King

\* I do not find this or the next among the ancient petitions.

come son pere lui fist. E nomement de ceux qe tenent aylours in chief del Roy par que le Roi ne serrett riens pardaunt, ceo est asaver—[tenants in Lancashire]—del Conte le Marescall, Sire Johan de Vescy e del heyre Sire Henry de Percy que sunt tenaunz del honour de Pikeringe . . . .

Secunda peticio de foresta ponatur in respectum usque adventum Domini Cancellarii.

Ad terciam petitionem de homagiis concordatum est quod de homagiis de quibus non fuit in seisinâ tempore Henrici Regis patris nichil capiat, neque de releviis solutis Domino Regi nichil capiat: set non cessent districciones.

Ancient Petitions, N<sup>o</sup> 5,466.

[Extracts.]

Ces sont les moustraunces sire Emon devant nostre seignour le Rey.

[The first part again refers to Wirksworth.]

Dautre part come nostre seignour le Rei ait fait replevir au Cunte le Mareschal taunt que a ce parlement la baillie quil a de la garde de une partie de la forest de Pykering, la quele fu prise en la mayn le Rey par agard de ses justices assignez a pleider les plez de la dite forest pur le wast et la destruction quil troverent fait par le Cunte et les soens en la dite baillie, mon sire Emon prie que la baillie soit reprise en la main le Rei e que les justices puissent parfaire lur office; e se le Cunte

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and the King is to lose nothing by the grant of the writ; that is to say the Earl Marshall, Sir John de Vescy and the heir of Sir Henry de Percy, who are tenants of the Honor of Pickering.

The second petition as to the forest is respited until the return of the Chancellor.

The third petition as to homages is compromised. The Earl is to fail as to the homages of which he was not in seisin in his father's lifetime, and as to reliefs paid to the King, but the distrains will not cease.

Another petition of Lord Edmund.

As the King has caused the Earl Marshall to replevy up to the time of this Parliament the bailiwick which he holds to keep a part of Pickering Forest, which was by judgment given by Justices of the forest seized into the King's hand for waste and destruction which they found to have been done by the Earl and his men in the said bailiwick, Lord Edmund prays that the bailiwick may be seized again in the King's hands, and that the Justices may perform their duty. If the Earl maintains that wrong has been done to him by the

voullé dire que tort li soit fait par les justices, soit leur fait vehu, e se il hi ait que adrescer par le Rey e sun conseil soit ce adresce. Resey-siatur balliva replegiata comitis in manum Regis et dicatur Justiciariis quod procedant.

[Endorsed] Pur mon seignor le Rey.

Ancient Petitions, N<sup>o</sup> 14,776.

Ces sunt les mustrauces al Chaunceler.

Por ce qe le Rei a grante a Sire Emond qe une enqueste seit prise de saver si Alein le Fiz Johan, Laurence de Neutone et Johan Blanke Foresters Sire Emond a Pykeringe qui sunt rettez de la mort un Johan Cokewald, rette de plusors mesfez et de lareimz, trouverent meimes celi Johan mesfesant en la forest avantdite et ensuant le occistrent com celui qui a la paes ne se voleit atacher si com il dient, et ou par felonie et saut porpense, si prie al chanceler qui il comande le bref.

Quod ponantur in prisonam et postmodum inquiratur per vicecomitem et coronatorem et remittatur Regi.

Et por ce qe le Chaunceller voille comander bref al Tresorer de fere aver a Justices pledaunz les trespas de la foreste de Pykeringe les roules del derrein heire Sire Robert de Nevile de meimes la foreste por aver avisement a lur plez.

Justices, let their act be examined into [*ven* seen], and he has only to apply to the King and Council and it will be put right.

Let the Earl's bailiwick\* which was replevied be seized again into the King's hands, and let the Justices be told to proceed.

The Chancellor is to direct a writ inasmuch as the King has granted to Lord Edmund that an inquest be taken to ascertain whether Alan FitzJohn, Lawrence de Newton, and John White, Foresters of Lord Edmund, at Pickering, accused of the death of John Coxwold (himself accused of many misdeeds and thefts) found the same John poaching in the forest and forthwith killed him because he would not let himself be peaceably arrested as he ought, or whether they did it feloniously and of malice aforethought.

Let them be imprisoned and afterwards let inquiry be made by the Sheriff and Coroner and certified to the King.

The Chancellor is asked to direct a writ to the Treasurer to produce to the Justices trying offences in the Forest of Pickering, the rolls of the last forest Eyre there, namely of Sir Robert de Neville, to consider the pleas before them.

\* See Vol. II., N.S., pp. 35-45.

Mandetur quod habeant rotulos ita quod restituantur citra Festum Sci Johannis.

De\* ce que les genz le Rey de la baillie Saint Brevel entren teinz la fraunchise de Monemue de faire atachment de genz en autre manere que hom a fait ga en ariere, qar nul atachment ne hy soleit unques estre fait par autres que ceauz a cui la fraunchise estait, et de ce prie Sire Emoy remedie. Scribatur similiter ballivo.

De autre part mon Sire Emoy prie le chauncellor quil voille comander le bref de lescheyte de Thomas de Flyxton† en la vile de Skaleby en la cunte de Euerwyk. Fiat.

Ancient Petitions, N° 2,772.

A son seigneur le Roy e a son conseil mustre Thomas Conte de Lancastre qe par la ou ses gentz de Esingwold e de Hoby sont de aunciene demeisne le Roi, e eus e lour auncestres soleyent avoir a deyvent renable sustenance com en housbote e heybote du boys en la foreste nostre Seigneur le Roi de Galtres, la vieignent le minystrs nostre Seigneur le Roi par commandement Sire Robert de Clifford, Justice de la foreste avantdite, e eus desturbent qil ne puissent renable sustenance de housbote e heybote en lavantdiste foreste selonc la fourme qe eus e lour auncestres soleyent et deyvent avoir du temps dount memorie ne curt, cest a savoir la ou eus soleyent avoir trente cheynes par an pur

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Order is given that they have the rolls and return them by the 24th of June.

The People of the King's bailiwick of St. Brevel enter into the liberty of Monmouth to arrest folk otherwise than formerly was done ; for no arrest ought ever to be made except by the Lord of the Liberty ; wherefore Lord Edmund prays a remedy. Let a like letter be written to the bailiff.

Further Lord Edmund prays the Chancellor to order a writ of escheat as to Thomas de Flixton in the township of Scalby. Let it be done.

A Petition to the King and Council by Thomas, Earl of Lancaster.

The men of Easingwold and Huby are of the King's ancient demesne and ought to have housebote and hedgebote in the Forest of Galtres. But the officers of the King, by command of Sir Robert de Clifford, Justice of the Forest, came and prevented them having their housebote and hedgebote in the manner in which they and their ancestors from time immemorial used and ought to have it, that is to say thirty oaks a year for housebote, without reckoning the small underwood for

\* This relates, of course, to quite a distinct part of the Lancaster estates.

† See Vol. II., N.S., p. 46.



housbote, sanz autre menue boschage pur heybote, la sont eus mys a quinze cheynes par an par comandement Sire Robert de Clifford e alafoyz a dys cheynes par an, dont le dist Conte est en poynt de perdre sa franchise e ses gentz lour droit livere, dont il prie qe remedie en soit fet pur ly e pur ses gentz avantdites.

Dautre part le dist Conte prie remedie de ceo qe ses gentz avantdites sont desturbes par les ministres nostre Seigneur le Roi de lour chemyn en la diste foreste de Galtres, cest asavoir de Esingwald jesques a Hoby, de Hoby jesques a Euerwyk e de lour chemyn vers chescune autre ville encontre la fourme qe eus e lour auncestres soleyent e devient avoir e user du temps dont memorie ne curt ; issint sont desturbez qe eus ne poent avoir lour droit chemyn sanz greve redempcion fere a la volente les ministres de la forest avantdite dont le dist Conte prie remedie qil ne soit disherite ne ses gentz desturbez de lour droit.

[Endorsed] Scribatur Roberto de Clifford Justiciario foreste per breve de Cancellaria quod desistat et suis ministris desistere precipiat ab hujusmodi inquietacionibus, impedimentis et graviminibus [*sic*] et permittat eos capere hussebuot et haybot ac eos uti itineribus in foresta et per medium foreste libere absque impedimento quolibet sicut antecessores sui et ipsi usi fuerunt ab antiquo, sic se habeant in premissis quod ad Regem querela amplius non perveniat de premissis.

Ancient Petition, N<sup>o</sup> 15,315.

Al Chancellier nostre Seigneur le Roi mustrent les poures gentz le Conte de Lancastre de Esingwold et de Hoby qui sont des [? aunciene]

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hedgebote, and now by the command of Sir Robert de Clifford they are reduced to sometimes fifteen oaks and sometimes ten oaks a year. The Earl is on the point of losing his franchise and the people their right of livery.

Furthermore the King's officers prevent them from making their way through the forest from Easingwold to Huby, and from Huby to York and towards every other village, unless they pay a heavy and arbitrary ransom, although they and their ancestors from time immemorial used to enjoy such a road.

[Endorsement.] Let a writ from the Chancery direct Robert de Clifford, Justice of the Forest, and his officers to desist from their unlawful disturbances and to permit the men to take their housebote and hedgebote and use their roads in the forest and pass freely without interruption through the forest as they and their ancestors of old used to do, so that no complaint about these matters may hereafter reach the King's ears.

The petition to the Chancellor of the Earl of Lancaster's poor folk

demeines le Roi et sont menantz en la foreste de Galtres, que par la ou il deivent estre quites de cheminage selonc la chartre de la [? foreste] en la baillie ou il sont menantz, la venent Roger de Raskilf et Robert de Burgh qui gardent la ballie de Esingwold en la [? dite] foreste desouz Johan de Wyresdale et unt levez de eux xl<sup>s</sup> et plus pur cheminage, puis le confermement de la dite cartre [? et] par la ou il ne pernent de foreine gent qui achatent bois en la forest fors que iiij<sup>d</sup> par an pur la charette, la pernent [? de] eus iiij<sup>s</sup> par an quei quil carient ou blee, ou busche ou carbun par la ou rien ne achatent en la foreste ; et en droit [? la] novele custume que feust levee nadguers qe vij villes trovassent a deux forestiers lor estover en manger et en [? boire], des queles vij villes les iij sont ore hors de la foreste par la puralee, la chargent ore les forestiers Esingwald e Hoby de lor porcion, et estre ceo de tant come les iij villes avantdites furent avant chargees. Par quoi il prient pur dieu que cestes choses soient redrescees et qe la verite de ceo puisse estre enquisse et quil pousseint estre mentenuz en lor auncien estat ou mieuz, selonc la chartre de la foreste avantdite.

Ancient Petitions, N<sup>o</sup> 12,855.

A nostre seignour le Roi . . . \*gentz de sa seignourye de

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in Easingwold and Huby, who are of the King's ancient demesne and are residing in the forest of Galtres. By the Charter of the Forest they ought to be quit of cheminage in the bailiwick where they are residing, yet Roger de Raskelf and Robert de Burgh, keepers under John de Wyresdale, of the bailiwick of Easingwold, in the forest, came and levied £2 and more from them for cheminage after the confirmation of the Charter.† Besides although they only take 4<sup>d</sup> a year for each cart of a non-resident buying wood in the forest, yet the bailiffs take from the residents 4<sup>s</sup> a year whatever they carry, corn, underwood or charcoal, or although they buy nothing in the forest. Again in right of the new custom lately established that seven townships should find two foresters‡ in meat and drink, of which townships three are now by the perambulation outside the forest, the foresters now charge Easingwold and Huby beyond their own share with what the three townships were formerly charged with. Wherefore they pray for God's sake that these matters may be put right, and that an inquiry may be made into the truth of them, and that they may be kept in their former condition or a better one in accordance with the Charter of the forest.

The petition to King and Council of the people within the lordship

\* Much defaced, illegible, and torn.

† See Carta de Foresta, 9 Henry III. ; confirmed 29 Ed. I. See also Carta de Foresta, 28 Ed. I.

‡ Again our old friend *puture*, always objected to as a modern custom.

Pykering qe la ou lyst a chescun frank vendre et done . . . .  
 tpendent des chiefs seignours et toutz ses tenauntz de la seignourye  
 susdite . . . . use en temps de toutz Roys tauntqe il esteient distur-  
 bez nadgeres par Thomas jadis Counte de Lancaster . . . . grevouses  
 fines par enchesone susdite encountre commune lei et les usages du  
 maner de Pykering. . . . .

A ce Sire la ou chescun seignour deit avoir les amendes des  
 brasceres deyntz son fee et de assisse emfreynt de cervoise et les  
 seignours [? des toutz fees deintz le seignourye] de Pykering les aveient  
 en temps de toutz Roys et de toutz seignours chescun de son tenauntz  
 et reseauts deyns [? son fee taunt] qe le [? dit] Counte les vea et les  
 prist par sa souverayne seignourye encountre loi et usage [? E de ce  
 prient remedie].

A ce Sire la ou par commune lei et estatut nul fraunk home ne deit  
 estre menes a serment sauntz brief [? e les tenauntz de] la haute tenure  
 du maner de Pykering a ceo ne esteient menetz en temps des Roys  
 ne autres Seignours du maner de Pykering, [le Counte] de Lancastre a  
 ceo les mena par dures destresces et grevouses amercimentz en ches-  
 cune pleynt sauntz brief encountre loi et les usages du maner, et prient  
 remedie.

A ce Sire ou toutz les tenaunts qi tenent par meen du dite maner

of Pickering. Every free man may sell and give away his land to be held of the chief lords, and all the tenants of the lordship have enjoyed this right until lately when they were disturbed by Thomas, late Earl of Lancaster, who set heavy fines upon them in respect thereof against common law and the customs of the Manor of Pickering.

Every mesne lord\* ought to have the fines of brewers and breach of assize of beer within his fee, and the lords of all fees within the honor of Pickering had them of their tenants and residents within their fees in the times of all Kings and other Chief Lord, until the Earl denied their right and took them by virtue of his chief lordship, contrary to law and against the customs of the Manor of Pickering.

By common law and statute† no free man ought to be made to take an oath except by writ, and in the times of the Kings and other Chief Lords, the tenants of high tenure in the Manor of Pickering have not been wont to be so made, yet the Earl of Lancaster by hard distrains and grievous fines so made them without a writ in every plaint against the law and the customs of the manor.

And whereas, Sir, all the tenants who hold by mesne of the said

\* See "Hist. Eng. Law," I., 569. In the North of England every man who has tenants is apt to assert that he has the assize of beer over them as a common law right.

† See Statute of Marlborough, 52 Hen. III., sect. 22.

soleient et deyvent faire une venue a procheine Wapen[? tag] tenutz apres la seint Michel et par aforcement de Court, nomement quant prison est ajugger ou jugement en awere . . . . brief de dreit, Thomas jadis Counte de Lancastre les destreynt venir afournir chescune jugement qe fu delayez . . . . en en chescune pleynt sauntz brief encountre les usages et autrement qe soleient venir en temps des Roys, et de ce prient remedi.

A ce Sire ou chescun fraunk home purra avoir par lei et estatuit atorne par brief de faire la seute pur lui a la court [? du seignour] de qi il tent, et les tenauntz de la haute tenure de Pykering lour atornes fesoient par briefs en la Wapentag de Pykering en temps du Roys et toutz seignours du maner susdite taunt qe Thomas jadis Counte de

manor [=all the tenants between whom and the lord of the manor there is a mesne lord] were wont and ought to make one coming [*venue* = coming = appearance] at the wapentake [*i.e.*, the session of the wapentake court] held next after Michaelmas [in every year], and also [to make a coming, *i.e.*, to attend there] for the afforcement [=strengthening] of the court when there is a prisoner to be judged or a judgment in suspense [to be awarded] in a writ of right, Thomas, late Earl of Lancaster, distrained them to come to furnish every judgment . . . . in every plaint [even though that plaint were begun] without writ, contrary to the usages and otherwise then they were wont to come in the time of the kings [*i.e.*, when the kings were the immediate lords of the manor] and of this they pray remedy.\*

Although by law and statute† every free man ought to have the right to make his attorney by writ to do suit for him at the Court of the Lord of whom he holds, and the tenants of the high tenure of Pickering made their attorney by writs in the Wapentake Court of Pickering in the times of the Kings and of all the chief Lords, yet

\* Professor F. W. Maitland, who has been kind enough to give me this translation, has also added the following note :—"The complaint is of the exaction of undue 'suit of court' from these tenants. I have seen other cases in which tenants assert that they do not owe suit to every session of the Court, but are only bound to attend once or twice a year, and also to appear when there is a thief to be hanged ['quando latro est judicandus'] or when a writ of right is to be tried. Then the Earl has been making them come to furnish (as doomsmen) any judgment which has been delayed. If *delayez* is right, he seems to have made these folk attend whenever a cause (albeit begun without writ) was adjourned, or 'stood over' for want of a sufficiency of suitors to make a judgment.

"I have seen many tenants who acknowledge their liability to attend whenever a writ of right comes to the court or a criminal is to be condemned. In such a case there is *royal* justice to be done and many are bound to attend who refuse to appear on other occasions."

† Statute of Merton, 20 Hen. III., sect. 10.

Lancastre ne les soeffrist attorner . . . come soleient, et prient remedi.

A ce Sire ou chescun seignour deit par lei et usage avoir sa court de son tenaunt et reseaut qe est empledeez en autri court [? sil] la demaund, en temps le dit Thomas Counte ne soeffrist nul seignour de la seignourye susdite sa court avoir de ses tenaunts . . . ne reseantz [?] encountre lei et usage, et prient remedi.

Ancient Petitions, N° 7,095.

A nostre seignour le Roi et soen conseil moustrent ces tenauntz du manoir de Skalleby qe est del auncien demaine nostre seignour le Roi deynz sa seignourye de Pykering qe par la ou ses progenitours grantent a lur auncestres et lur heyres le dit manoir de Skalleby ove les apurtenauntz et appendaunz, cest assavoir eschetz, courtes, molins, fines et amercimentz, rendaunt a Lescheker nostre seignour le Roi a la fest de Saint Michel dan en an trente cink livres douze soutz pour toutes services a touz jours, la quel rent nostre seignour le Roi Henri dona a mons<sup>r</sup> Edmund soen\* frere, Count de Lancastre ove le manoir de Pykering, apres qui morte Mons<sup>r</sup> Thomas soen filz entra enz le sudditz manoir et rentes, in qi temps Richard de Skelton soen bailliff lur osta de diz boves de terre, parcelle de la terre charge de lur dite rente, et ensi le dit Richard lur osta de lur comune de pastur en lest partie dun boys qest appelle Langdon, qest appurtenaunt a lur fraunk tene-

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Earl Thomas would not suffer them to make such attornies, and they pray for redress.

Although by law and custom every lord ought, if he demand it, to hold his Court of his tenants and residents who are impleaded in the Court of another, yet, in the time of Earl Thomas, he would not suffer any lord to hold his Court of his tenants and residents against law and custom. They pray redress.

The petition to King and Council of the tenants of the Manor of Scalby, which is of ancient demesne and within the Lordship of Pickering. The ancestors of the King granted to the ancestors of the tenants and their heirs the manor of Scalby with the appurtenances, to wit, escheats, courts, mills, fines and amercements, paying yearly at Michaelmas, at the King's Exchequer, £35 12<sup>s</sup> for all services for ever, which rent Henry III. granted to Edmund, Earl of Lancaster, together with the manor of Pickering. After his death his son Thomas entered into possession of the manor and rent, during whose time his bailiff, Richard de Skelton, ousted them from ten oxgangs, parcel of the land charged with the rent; he also deprived them of their common of pasture in

\* He was the son, not brother, of King Henry.

mentz du temps dount y nia memor, de quoi ils prient remedie. Quoad primam petitionem. Assignantur certi fideles ad inquirendum super contentis in petitione veritatem, et retornata inquisicione inde . . . .

Ensi moustrent les susdites . . . . de Foulwode qest apurtenaunt a lur fraunk tenement feust ajugge gaste en la darreine . . . . foreste rechate, par quoi le dit boyse ne deveireist mes estre denz regard . . . . voluntez, la fumes par le dit Mons<sup>r</sup> Thomas et ses ministres destourbez encountre la . . . . de quoi nous prioms remedi.

Quoad secundam petitionem. . . . Itineris in cancellaria quo viso fiat ei justitia [Alexander?]\* de Bergh prosequitur.

Ancient Petition, N<sup>o</sup> 249.

(Petitions in Parliament, A.D. 1321 and 1322, N<sup>o</sup> 73.)

A nostre seignur le Roi e a son counsail moustre e se pleint Nicholas au Pount de Pikering qe Johan de Dalton jadys Baillife le Counte de Lancastre a Pikering atort e par colour de son office mesme cesti Nicholas prist en la vile de Pikering, e de la feste de Pentecost en lan du regne nostre seignur le Roi Edward qore est qe Dieu gard xij, jesqes le Samadi procheyn devant la feste de Seinte Margarete procheyn suaunt a la meson le dit Johan en preson luy detient, e dit qe mesme cesti Nicholas pur covatise de sa tere fu tenu a son seignur le

the east part of Langdale wood, which has been from time immemorial appurtenant to their freeholds. They pray that the matter be remedied.

[Endorsed.] Let an inquiry be made and the verdict returned.

In the last† Forest Eyre Fullwood, [common in] which is appurtenant to their freeholds, was held to be waste and was ransomed so that it ought not to be otherwise than within the regard, but the tenants have been disturbed from enjoying their common by Earl Thomas and his officers. They pray that this matter also be remedied.

The petition to King and Council of Nicholas at the Bridge of Pickering. John de Dalton, formerly bailiff of the Earl of Lancaster, at Pickering, wrongfully, and under colour of his office, took Nicholas in Pickering town and detained him in prison in his house from the 27th of May, 1319, to Saturday, the 14th of July next following, and, out of greed for his land, said that Nicholas was bound to the Earl in more than £10 for many suits in arrear and other defaults.

\* "d" is the last letter.

† The petition is so illegible that I can only offer this paraphrase as the merest conjecture.

Counte pur divers suytes e divers defautes aderere en plus qen x<sup>li</sup>, par la ou il fut en nul dener a derer, ne tenu au Count par nulle manere de suyt, ne de service a derere, nen nul suite nen service fu a derere. Par quei qe mesme cesti Johan lavantdit Nicholas fist bailler son terre avaunt qil pout de sa gard e de sa presone aler, e sur ceo en la Courte de Pikering encountre son gre fait fist fere a tort e encountre la pees nostre seignur le Roi e as greves damages de mesme cesti Nicholas de x<sup>li</sup>. Dount il prie remedie.

[Endorsed] Prosequatur in Cancellaria.

Ancient Petition, N<sup>o</sup> 266 (Parl. Pet. A.D. 1321, N<sup>o</sup> 83.)

A nostre seignur le Roie son conseil mostre Johan de Thoucotes qe come il tient un mees e une bove de tere in Thornton de Bemound [*sic* ? Emound] de Hastings par feute e le service de ij<sup>d</sup> par an pur touz servicez. E a ceo tient deus boves de tere de Johan le fiz Alayn en mesme la vile par le service de ij<sup>d</sup> par an pur touz servicez, les queuz Emound et Johan le fiz Alayn lez aquient de seut de Court a Wapentak nostre seignur le Roi de Pikering, e la dite seute fount pur cestez tenementz e altres come mene tenaunz entre nostre seignur le Roi e le dit Johan de Thoucotes, les baillies de Pikering ly destreignent pur seute fere al dit Wapentak de Pikering encountre ley et resoun. E de ceo prie remedie.

[Endorsed] Habeat breve de medio versus eos qui eum acquietare debent.

Yet there was no penny in arrear, nor was he bound to the Earl in any manner of suit, nor was any suit or service in arrear. Wherefore this John compelled Nicholas to surrender his land before he would release him, and a deed [to this effect] was executed against his will in Pickering Court wrongfully and against the King's peace to the damage of £40.

[Endorsed.] Let him proceed in Chancery.

The petition to King and Council of John de Tockets.\* He holds a house and an oxgang of land, in Thornton, of Edmund de Hastings by fealty and a rent of 2<sup>d</sup> a year for all services, and also two oxgangs of John, son of Alan, in the same township, by a rent of 2<sup>d</sup> a year for all services, and the two mesne lords ought to acquit him of suit at the Wapentake Court of the King at Pickering, and to perform the suit in respect of those and other tenements. Nevertheless, the bailiffs of Pickering distrain him to perform suit at the Wapentake Court of Pickering. Wherefore he prays redress.

[Endorsed.] Let him have a writ of mesne against those who ought to acquit him.

\* Tockets, in the parish of Guisborough.

Ancient Petition, N<sup>o</sup> 10,204.

A nostre seignour le Roi et son Counseile fate a entendre qe le Chaustell de Pykeryng et tote le honour et tote la foreste sunt de la Corone et furent en la mayne de chescune Roi, jeskes au temps le Roi Henry, Aell nostre seignour le Roi qor est qe Deu gard, qe les dona au Count Simond de Mountfort\* ensemblement ove Esyngwold et Hoby, et apres la mort le dit Simond le dit Roi Henri dona las ditz chaustell, honour, foreste et terres et tenementz a Mousieur Emond son fiz a tenire jeskes a taunt qil luy oust purveu des autres terres qe ne furent my de la Corone a la valyaunce des ditz teres et tenementz ; et en tote ceo temps et tote temps devaunt dount memore ne court fut Raufe de Bollebek et ses auncestres seneshales de la dite foreste et foresters en fee et mist et demist foresters et verders, et tient les attachementz cum apendisoit a Pykeryng et en le Hay de Scalleby, et respoudit au Roi des trespases de verde et de venison, et avoit pur son servise les profites de engistementz, pounage, herbag et de secke boys gisaunt et escaunt par my la dite foreste forspris le Parkes de Blandesby de qai le Roi enportite tote maners profistes. E apres le decesse le dit Raufe de Bollebek entra un Raufe son fitz cum fitz et heire, et fu senechale et forestere en fee cum ses auncestres furent

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A petition to the King and Council informed them that Pickering Castle and the honour and forest were part of the Crown Lands and in possession of each King until Henry III. gave them, together with Easingwold and Huby, to Earl Simon de Montfort, and after his death gave them to his son Edmund to hold until he should provide for him other lands of equal value which were not part of the Crown Lands. All this time and even before it, from time immemorial, Ralph de Bolbeck and his ancestors were stewards of the forest and foresters in fee, and appointed and discharged foresters and verderers† and held the Court of Attachments as appurtenant thereto at Pickering and in Scalby Hay ; he answered to the King for all offences of vert and venison, and had for his services the profits of agistments, pannage, herbage and dry wood lying and falling throughout the forest, except in Blansby Park, the profits of which the King took.

Ralph de Bolbeck was succeeded by another Ralph, his son and heir, who was steward and forester in fee, as his ancestors were before him ; Ralph the younger was succeeded by his brother and heir Osbert, in whose time Sir Hugh Bygot, then the Earl Marshall, obtained

\* As this document is of the date of Edward II. I do not like to suggest that this statement is incorrect, but I have found no trace of the grant.

† Could this have been so? I find no trace of verderers, except those appointed in the County Courts.



devant luy, et apres le decesse mesme celuy Raufe fut un Ouberne son frer et heire, en qi temps Sir Hugh Bygot\* qe adonkes fut Count Mareshall occupya le dit office, et apres son decesse entra en mesme le office sir Roger Bygot et le tient taunk qil fut demis en le temps le dit Mousieur Emond par mauveise counseile et poer† de seignourye. E apres le decesse mesme celuy Mousieur Emond entra Sire Thomas nadgairs Count de Lancastre, en qi temps moutz de merveiles furent faites par baillifes, foresters et vereders en desheritizon de la Coronne, cum de purprestures et enclostures countre lasise de la foreste, et ceo a graunt destruccion de sauvagyn et desheritizon du Roi et de ses liges gentz qe illoqes sunt comuners. E outre ceo les ditz baillifes, foresters et verders out forfais qaunt qil purrount forfaire vers nostre seignour le Roi, qar illi out levez countre luy mayntefoiz a force et armes et unt fait par lour force autres [? qi]‡ tenent de nostre seignour le Roi lever encountre lour lige Seignour, ceo est a savoir en primes assaillaunt son Chastell de Scardeburgh ove trois centz hommes vestuz en courtepys§ de verte, queux furent triez et alloqes enchacez per Johan de Dalton adonkes bailliff de Pykerynges, et illoyes tiendrent la assaut taunk qe le Count de Cornewaille, Mousieur Piers|| qiloqes fut per comaundement le Roi se rendit entre les maynes des grauntz qiloqes furent. E puy

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the office ; after his decease Sir Roger Bygot entered upon the office and held it until he was deposed in the time of Earl Edmund by evil counsell and his power as superior Lord. After the decease of Earl Edmund he was succeeded by Thomas, late Earl of Lancaster, in whose time many strange things were done by the bailiffs, foresters and verderers in prejudice of the rights of the Crown, such as purprestures and enclosures, contrary to the assizes of the Forest, to the great destruction of the game, and to the injury of the King and those of his subjects who are commoners there. Moreover, the bailiffs, foresters and verderers have committed forfeitures whenever they could against the King, often rebelling against him and making others who are the King's tenants rebel, to wit, first when they besieged Scarborough Castle with three hundred men clad in green jackets, who were arrayed and led by John de Dalton, then bailiff of Pickering, and kept up the siege until the then Earl of Cornwall, who was there by the King's order, surrendered himself into the hands of the great men who were there. Afterwards, by their violence and imprisonment, they made the King's liege subjects go, at their own cost, with the Earl of Lan-

\* See Vol. I., N.S., p. xx.

† This word is interlined and is intended to be substituted for powere.

‡ There is a hole in the petition here.

§ Halliwell ;—Courtepy (A.N.) a short cloak of coarse cloth.

|| de Gaveston. See Vol. II., N.S., p. xxi.

apres il firent par lour force et enprisonement les lige gentz nostre Seignour le Roi aler ovesqe les gentz le Count de Lancaster a lour custage de mesme en les parties del West a prendre Sir Adam Banastre et sa compaignye et les mettre a la mort. E puy apres unt este maintefoiz tries par les ditz baillifes, foresters et verders de alere a force et armes encountre lour seignour lige a Euerwykes a divers parlemantz, a Pountfreit\* quant nostre seignour le Roi fut eseriez en sa terre demesne, au Nove Chaustell† sur Tyne qaunt le Count de Lancastre chivaucha encountre nostre dit seignour le Roi, au Chaustell de Tykhill‡ qaunt la sege il fut, mes encountre le enemys de Scoce unkes ne voleint il homme trier ne suffrire estre triez. Outre ceo ceux qe se cleiment foresters unt abatus keines saunz nombre en le temps le Count de Lancastre et gentz triez et les gentz du pays enentes et reint par lour poer, si qil sunt mendinantz, et eux riches des terres, tenementz et de beaus maners et riens aporterent ovesqe eux fors arkes et settes et simple vesture. Des queux choses sutzditz si plut a nostre seignour le Roi assigner enqerours pour son graunt profist et en avauntage de ses ligs gentz en ceux parties, et qe ceux qe se cleymet foresters et verders en

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caster's people, into the West Country to take Sir Adam de Banastre§ and his force and put them to death. Afterwards they have many times been arrayed by the bailiffs, foresters and verderers to go with force of arms against their liege Lord at York at the time of several Parliaments, at Pontefract when the King was opposed on his own land, at Newcastle-on-Tyne when the Earl of Lancaster rode against the King, and at the siege of the Castle of Tickhill, but against the enemies of Scotland they would not array, or allow to be arrayed, one man.

Moreover, those that claim to be foresters have felled oaks without number in the time of the Earl of Lancaster, made arrays and indicted and ruined the people of the country by their power, so that the latter are beggared while the former are rich in lands, tenements and fine manors, though, when they came into the country, they had nothing but their bows and arrows and the clothes they walked in.

It will be to the advantage of the King and of his subjects in these parts to inquire into these matters, and to call on the foresters in fee

\* This was the Earl of Lancaster's rebellion in 1317.

† Taken by the Earl in 1312.

‡ This was at the commencement of the Earl's rebellion in 1322.

§ He led an army in Lancashire against the Earl of Lancaster, about the Feast of All Souls, 1315, but was defeated and beheaded. The Malmesbury chronicle says Banastre had 80 men and the Earl's force consisted of 600. According to the Annales Paulini, the quarrel began between Robert de Holland and Adam de Banastre. A Pardon was granted to the Earl of Lancaster for his death, as well as for the death of Peter de Gaveston in the Parliament held at York, November, 1318.

fee poussent moustre leur tittle et qil soient ostez de lour offices taunk les ditz choses soient enquise et qe chescune qe vodra suire pur le Roi ou se pleindre des damages qil a resceu, furent resceus en fourme de lai adonkes serroit trevez touz ceux outrages et plusures autres.

Ancient Petition, N° 6,348.

A nostre seignour le Roy e a son conseil moustre Scolace qi fu la femme Mounseur Godefrey de Meus qe come ele eit e teigne la manoir de Levezham\* ou les apurtinaunces en le Counte Deuerwyk du lese meistre Thomas de Levesham a qi nostre seignour le Roi lessa le dit manoir ove les apurtinaunces a tenir tant qe al age Johan, fitz et heir le dit Godefrey, a quel manoir la baillie del hay de Scalby est apurtenaunt, e rendaunt par an quatre marcz et x soutz, la quele baillie Thomas Counte de Lancastre seisi en sa meine apres la mort le dit Godefrey par la resoun de la dite ferme qil voleit rescevir de la dite baillie, et pur le noun age le dit heir, et hore est la dit baillie devenuz en votre meine par le forfeiture le dit Counte, par quey la dite Scolace prie a nostre seignour le Roi e a son conseil qe puisse aver la dit baillie qest apurtenaunt au dit manoir, rendaunt la dite ferme jesques al le loile age le dit heir de quei le Roi nad nul profit.

[Endorsed] Soient vewes le enquestes faites par le diem clausit

and verderers to prove their title and to be deprived of their office until the inquiry has been made. Every one who wishes to sue on behalf of the King, or to complain of damages which he has received ought to be heard according to law. Then all these wrongs and many more will be discovered.

The petition to King and Council of Scolastica, widow of Godfrey de Meaux. She holds Levisham manor by lease from Master Thomas de Levisham, to whom the King leased it during the minority of John, the son and heir of Godfrey; to which manor the bailiwick of Scalby Hay is appurtenant, being held at a rent of £3 3s. 4d.† After the death of Godfrey, Thomas Earl of Lancaster seized the bailiwick into his hands because the heir was under age, and he wished to receive the rent from the bailiwick. Now the bailiwick has come into the King's hands through the Earl's forfeiture, and Scolastica prays the King that she may have the bailiwick which is appurtenant to the manor, paying the rent up to the time of the heir's majority, of which the King has no profit.

[Endorsed.] Let the inquisitions post mortem of Godfrey be

\* See Vol. II., N.S., p. xxvii.

† It is not quite certain whether Scolastica pays £3 3s. 4d. for Scalby Hay alone, or for the whole manor of Levisham.

extremum apres la mort Godefroi e moustre en Chauncellerie ceo que ele ad de la ferme a luy soit fait dreit illoeques. Coram Rege.

Ancient Petition, N<sup>o</sup> 4,556.

A nostre seignour le Ray e a sun counsaill mustre sun bacheler Richard de Berlaye, que cum le dit Richard pur diverses grevaunces e damages que a li furent foces [? faces] par le Count de Lancastre e par ses ministres graunta al dit Count la reversion de sun maner de Berlaye od les apurtenaunces rendant al dit Richard tote sa vie xlii par an a recevoir del maner de Pikeringe, dount il fu seisi de certains tenaunz a ceo ordine, cum les escriz endentees entre eus tesmoignent solun le transescrist que ci est la [?], quelle reversone ore apent a nostre seignour le Ray pur la forfeite le dit Count, mes ore le dit Richard est demis par les ministres nostre seignour le Ray qi lount seisi, dount le dit Richard prie grace que lai e dreiture pur Deu de ceo li sait ordine e fet.

Ancient Petition, N<sup>o</sup> 4,557.

Conue chose soit a totes genz que nous Thomas Counte de Lancastre seneschal Dengleterre avoums done e graunte e par cest escrist endente confirme a mousieure Richard de Berlaye quaraunte livres de annuele rente issaunt de terres e de tenemenz, firmes e de noz molins dedenz nostre maner de Pikeringe, ceo est assavoir de noz tenaunz de Gotheland e Alayntoftes vint treiz livres diset soutz un dener

examined, and let her show in Chancery what part of the rent she has, and let right be done.

The petition to King and Council of Richard de Berlay. Forced by injuries done to him by the Earl of Lancaster and his officers he granted the reversion of the manor of Berlay to the Earl in exchange for an annuity for life of £40 charged on the manor of Pickering. Of this annuity he was seised, certain tenants being assigned to pay it, as the transcript of the indenture annexed hereto witnesses.

Now, through the forfeiture of the Earl, the reversion belongs to the King, but Richard is ousted of his rent by the King's officers who have seized it.

Wherefore Richard prays the King's favour that law and justice may for God's sake be done to him.

Let it be known to all that I, Thomas Earl of Lancaster, Steward of England, have given and granted and by this Indenture confirm to Sir Richard de Berlay £40 annuity issuing out of lands and tenements, farms and mills, within my manor of Pickering, to wit £23 17<sup>s</sup> 1½<sup>d</sup> from my tenants of Goathland and Allantofts, and £16 2<sup>s</sup> 10½<sup>d</sup> out of my mills at Pickering, so long as such mills are in

e maille, e de noz molins de Pikeringe sesce livres deux soutz dis deners e maille, le quel que les avaunt ditz molins seient en nostre main demene ou en les mains de firmeres a payer a termes usueles, aver e tenir lavant dite rente au dit mousieure Richard a terme de sa vie franchement, quitement, ben e en pees ovesque le atornement des tenaunz e fermeres que assignez li sunt de lur rentes e fermes a payer a lui, issi que si rien lui sait arere a nul terme del avaundite rente de quarauntes livres par an par mort ou povert ou en autre manere voloums et grauntoums pur nous e noz haires que le dit Mousieur Richard puisse destreindre les tenaunz, fermeres e coutoumeres dedenz nostre manere de Pikering, e la distresce enchacer hors de nostre seignurie a sa volunte e retenire saunz disturbance de nous ou de noz hairs taunt quil sait plainement paie de quantque arere li serra de memes la rente. E nous Thomas Count avantdit e noz haires lavant dite rente au dit Mousieur Richard a terme de sa vie sicum avant est dit garaunteroums e defenderoums contre totes genz, issint totes vais que apres le desees le dit Mousieur Richard la dite rente de quarante livres enterement a nous e a noz hairs retourne saunz nuli contredit. En tesmoignance de quele chose a ceste escrist endentee ausi ben nous cum le dit Mousieure Richard entrechaungeablement avoums mis noz seals par ces tesmoignes. Msr Johan Leek, Msr Johan de Cliffe, Msr Rauf de Beston, Msr Williame de Beston, Msr Robt de Raygate, Msr Robert de Ryther, Msr Warin de Schargille e autres. Don a nostre Chastel de Pontfreit le primer jour de Octobre lan du reigne le Ray Edw. fitz al treshonorable Ray E quintime.

[Endorsed] Ostendat scriptum in Cancellaria et inquirat vicecomes et fiat justicia.

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my own hands or in the hands of farmers paying at the usual terms, to hold to the said Richard for his life, freely, quietly, well, and peaceably, together with the attornment of the tenants and farmers who are assigned to pay their rents and fermes to him, so that if any part of the rent of £40 be in arrear on any day of payment thereof whether in consequence of death or poverty or for any other reason I will and grant for myself and my heirs that Sir Richard may distrain on the tenants, farmers, and customary tenants within the manor of Pickering, and drive the distress out of my lordship at will and detain it without disturbance from me and my heirs until he is paid in full whatever is in arrear of the rent. I and my heirs also warrant the rent to Sir Richard for his life, so nevertheless that after his death it revert to me and my heirs. Dated, Pontefract, 1 October, 1311.

[Endorsed] Let the deed be exhibited in Chancery, let the Sheriff inquire, and let justice be done.

Ancient Petition, N<sup>o</sup> 10,041.

A nostre seigneur le Roi e a son conseil prie Nichol de Stapelton remedie pur Dieu qe come il feust nadgaires en la compaignie le Counte de Lancastre qi mort est qi Dieux assoille e de sa retenance, le dit Nichol par cele enchesene tantoust apres la mort le dit Counte feust pris e mis en prisone en Chastel Deverwyk et les terres le dit Nichol e ses chateux estruz e monimentez touchantz son heritage feurent pris e seisitz en la meyn le Roi et le dit Nichol puis apres en meisme cele prisone par Hugh le Despencer et autres mis a raunceon de deux m<sup>l</sup> marcs e puis lesse aler hors de prisone, et issi ount ses terres e ses chateux este en la meyn le Roi puis la mort le dit Counte et uncore sont, et ses boys et ses autres choses en diverses lieux en grante partie destruitz. Et puis la mort le dit Counte le dit Nichol de sa terre ne de ses choses unqe ne poait avoir sustenance ne eide pur lui ne pur ses enfauntz, ja par cink aunz passeiz, par qai ly e ses enfauntz ount este et sont en point destre peritz. Dounte le dit Nichol prie a nostre Seigneur le Roi et a son bon conseil qil puisse estre quites de la ranceoun issint pecherousement assize sur lui, et qil puisse avoir restitution de ses terres et auxi des monumentz touchantz son heritage, et qil puisse avoir les chateux trovetz en ses manoirs qi sont petitz, eiant regard a son grant meschief qil ad suffert et de ses chateux perdutoz et les issues resceuz de ses terres du meen temps qi amontent a deux m<sup>l</sup> marcs et plus.

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The petition to King and Council of Nicholas Stapelton. For God's sake he prays redress. He was lately in the company and of the retinue of [Thomas] Earl of Lancaster, who is dead, and may God have mercy on his soul, in consequence whereof shortly after the Earl's death he was taken and imprisoned in York Castle, and his lands and chattels were extended, and the title-deeds relating to his real estate were seized into the King's hands. Afterwards he was ransomed by Hugh le Despenser and others for £1,333 6<sup>s</sup> 8<sup>d</sup> and then released from prison; thus his lands and chattels since the Earl's death have been and still are in the King's hands, and his woods and other property in different places for the most part wasted. For the last five years since the Earl's death, Nicholas could not get any maintenance for himself and his children out of his lands and other property, so that he and his children are at the point of perishing. He prays remission of the ransom so wickedly imposed upon him, and restoration of his lands and of his title deeds and of the chattels found in his manors which are but small, having regard to the great damage which he has suffered, and to the loss of the chattels and the mesne profits of his lands which amount to the sum of £1,333 6<sup>s</sup> 8<sup>d</sup>, and more.

[Endorsed] Soit cestre peticion mande en Chauncellerie et le Chauncelleur se avise de la cause de la prise des terres et tenementz et munimentz contenues en cestre peticion en la mein le Roi et sil furent pris en la mein le Roi par cause de la querele etc, et nemie par autre, soient les terres et tenementz restituz ove les issues et arrerages de ferme dont le Roi nest nemie servi, et les munimentz livreze et la fin et raunceon dampne enroul de Chauncelleur et soi bref mande as Tresoreur et Barons etc. qil la facent dampnent illocqes.

Ancient Petition, N<sup>o</sup> 2,247.

A nostre seigneur le Roi et a son conseil moustre Johan le fitz Hugh de Esyngwold, qe come Thomas jadis Conte de Lancastre, le tierz jour de May lan du regne le pere nostre seigneur le Roi qi ore est trentisme quint, dona et granta par son escrit pur lui et pur ses heires a William Engelson et a Muriel sa femme totes les terres et tenementz qi furent en sa main en la vile de Esyngwold par la mort mestre Alein de Esyngwold, aussi entierment come le dit mestre Alein le tynt, et come au dit Conte devindrent, a avoir et tenir as avantditz William et Muriel a terme de lour deux vies, fesant ent par an au dit Conte et a ses heirs les services des ditz terres et tenementz dues et acustumez, sicome en le dit escrit plus pleynement est contenu. Et puis apres les avantditz William Engleys et Muriel lan du regne nostre seigneur le Roi qi ore est unzisme granterent par lour escrit au dit

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[Endorsed] Let this petition be sent into the Chancery, and let the Chancellor ascertain the cause of seizure into the King's hands of the lands, tenements and title-deeds referred to in this petition, and if they were seized on account of the Earl's quarrel and for no other reason, let the lands and tenements be restored with the issues and the arrears of farm of which the King has not availed himself, and the title deeds delivered and the fine and ransom cancelled in the Chancellor's roll, and let a writ issue to the Treasurer and Barons of the Exchequer directing them to cancel the same.

The petition to King and Council of John son of Hugh of Easingwold. Thomas, late Earl of Lancaster, on the 3rd of May, 1305, by deed granted to William England and Muriel, his wife, all the lands and tenements in the township of Easingwold, which came to his hands by the death of Master Alan de Easingwold, as fully as Master Alan held them and as they devolved on the Earl, to hold to William and Muriel for the term of their two lives, performing yearly to the Earl and his heirs the services due and accustomed, as appears more clearly in the deed. Afterwards William English [*sic*] and Muriel his wife, in the year 1316, by deed granted the same lands and tenements, with the appur-

Johan meismes les terres et tenementz ove les apurtenances a avoir et tenir a terme de lour deux vies aussi entierment come il les aveynt du doun le dit Conte. Queu fait le dit Conte conferma par son escrit le vyntisme primer jour de Feverer meisme lan unzisme, et le dit Johan ad tenu tut temps puis les ditz tenementz en pees tanqe a ore qe Leschetour lui lue\* ostier, pur ceo qe les avantditz William et Muriel et le dit Johan les purchacerent sanz conge de nostre seigneur le Roi. Par quei le dit Johan prie a nostre seigneur le Roi qil voille comander qe le dit Johan puisse estre receu de faire fyn pur le dit trespas et retenir les ditz tenementz en la fourme avantdite tanqe a la mort William et Muriel qi uncore sont en pleine vie, et les avantditz escritz est le dit Johan prest de moustrer quant homme voille [?].

[Endorsed] Habeat breve si sit ad dampnum.

Ancient Petition, N<sup>o</sup> 4167.†

A nostre seigneur le Roi prie son Bachelier Johan de Fauconbergh qe come Hugh le Despencer le fuitz nadgares . . . . le Roi fist enditer le dit Johan de ceo qil deust avoir pris un ceerf et une byse en la foreste de P. . . . coupe et sur ceo le dit Hugh le fist attacher et tenir en prisone et en garde tanqe le dit Johan par . . . . Roi de cent marcz de queux il ad paie diz marcz et pur la remenaunt il est destreynt grevous . . . . Johan prie a nostre seigneur le Roi desicome il feust et est touz jour prest de soy acquiter qil ne . . . . de sa grace luy voille relessier cel outrageouse fyne et raunson illec [?] pescherousement . . . .

tenances, to the said John to hold during the term of their two lives as fully as they held them of the Earl's gift, which grant the Earl confirmed by deed, dated 1 February, 1316. John has always since then held the tenements in peace, until lately the escheater has seized them from him, because William and Muriel, and John purchased them without the King's leave. Wherefore John prays the King to direct that he may compound for the offence and hold the lands till the death of William and Muriel, who are still alive. He is ready to show the deeds when required. [Endorsed] Let him have a writ *si sit ad dampnum*.

The petition to the King of John de Faucomberge. Hugh le Despenser, the younger, caused him to be indicted for having taken a hart and a hind in Pickering Forest. He was arrested, imprisoned and fined £66 13<sup>s</sup> 4<sup>d</sup>, of which he has paid £6 13<sup>s</sup> 4<sup>d</sup>, and the rest is now being levied by distress. He prays remission of the fine.

\* This word I should prefer to read *bie*, if I could ascertain that that word has any meaning. My reading of *lue* is a conjecture.

† This petition is so mutilated that, were it not that it throws light on the presentments at pp. 98, 217 of Vol. II., N.S., it would be hardly worth copying.



[Endorsed] Por ceo qe le trespas feust fait en la foreste de Pykeryng qi feust en la meyn le pierre le Roi qe ore est par reson de la querele Thomas Counte de Lancastre et ordene est en Parlement qe le Roi nent mie les issues de terres qe feurent en la querele, des queux il nest mie uncore servi . . . et pur ceo qil fust endite devant autre qe gardein de la foreste contre lei de foreste, soit mande a Thesorer et Barons qe issint soit qe il soit de la . . . estallement.

Ancient Petition, N<sup>o</sup> 7,985.

A nostre seignour le Roi e son conseil prie Ammerose de la Chaumbre qe la ou il feust endite de trespas faite en sa Foreste de Pikering devant Sire William de Ayremynne qant nostre seignour le Roi feust darein a Pikering, qil lui pleise ordeiner certaines gentz aprendre fyn du dit Ammerose pur le dite trespas.

Ancient Petition, N<sup>o</sup> 12,921.

A nostre seignour le Roi e son counsel prie Robert le fuiz Marmaduc de Tweng qe la ou il feust endite de trespas faite en sa Foreste de Pikering, &c as above.

Ancient Petition, N<sup>o</sup> 189.

(Petitiones in Parlamento, A.D. 1321 & 1322, N<sup>o</sup> 5.)

A nostre seignur le Roi e a son conseil moustre Aleyn le filtz Willam Malkak de Pikeryng, qe com Willam Malkak ael le dit Aleyn granta e dona a Roger son fitz un mees e xiiij boves de terre en Loke-

[Endorsed] Since the offence was committed in Pickering Forest, which then was in the hands of Edward II., in consequence of the quarrel of Thomas, Earl of Lancaster, and since it was ordained in Parliament that the King should not take any more of the profits of the lands of those who were concerned in the quarrel of which he had not yet availed himself, and since contrary to the law of the Forest the petitioner was indicted before other than the Keeper of the Forest, the Treasurer and Barons are directed to be satisfied with the instalment already paid [?].

Ambrose de la Chambre prays the King and Council to appoint certain persons to assess a fine upon him for the offence committed in Pickering Forest for which he was indicted before Sir William de Ayremynne when the King was last at Pickering.

Robert, son of Marmaduke de Tweng, makes the like request.

The petition to King and Council of Alan, son of William Malcake, of Pickering. His grandfather, William Malcake, granted in fee tail to

ton de cynz la Seignurie de Pikeryng a luy e as heirs de son corps issanz par fee taille, lequel Roger aliena les ditz tenementz au Mestre e au Freres jadis du Temple vers qi le dit Aleyn come procheyn heyr le dit William le donour a qi la reversion appendoit par defalte de isseue le dit Roger, suyt son recoverir tanqe la defesaunce des Templers. Apres laquele Thomas jadis Conte de Lancastre par poer de seignurie occupa totes les terres susdites e les tynt encountre la forme du doun avaunt-dit en desheritance le dit Aleyn, e par la felonie le dit Thomas nostre seigneur le Roi seisy totes les terres et les tynt. De qi il prie remedie.

[Endorsed] Moustre en Court ceo qil ad de la forme du doun e seient cerchez les munimentz les Templers e les munimentz le Conte de Lancastre. E si rien soit trove barre de sa demande seit enquis la verite e retourne e outre seit fait droit.

Ancient Petition, N<sup>o</sup> 1,612.

A nostre seigneur le Roi et son conseil moustre William de Bergh persone de Leglise de Thorntone de sa seignourie de Pikeringe que la ou ses predecessours de meisme leglise et lui doivent et soleient communer ove totes maneres de bestes en totes les sesons del ane en Daleby, Cleufield et Haverberghe qui sont lues joygnauntz a Thorntone et denz meisme la paroche de sa eglise, comme aportenaunt a la glebe de leglise avaunt-dite, denz queux lues avaunt-ditz qui sont ore en la mayne nostre seigneur le Roy apres la mort le Counte de Lancastre,

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his son Roger a messuage and thirteen oxgangs of land in Lockton, within the Lordship of Pickering. Roger alienated the lands to the late Master and Brethern of the Temple, and died without issue. The reversion came to Alan as his grandfather's heir, and he was bringing an action against the Templars at the time of their suppression. Afterwards Thomas, late Earl of Lancaster, seized the lands as his seignourial right, and held them contrary to the form of the grant to the damage of Alan. After Earl Thomas's attainder the King seized the lands and holds them. Alan prays redress.

[Endorsed] The form of the grant must be produced in Court, the title-deeds of the Templars and of the Earl of Lancaster must be examined. If nothing is found to bar the claim an inquiry must be made and the truth certified, when right will be done.

A petition to King and Council of William de Bergh, Rector of Thornton, in the Lordship of Pickering. He and his predecessors in the Rectory ought and were wont to common with all manner of beasts as appurtenant to his glebe at all seasons of the year in Dalby, Cleufield, and Haverbergh, which are places adjoining Pickering within Thornton Parish. These places, since Earl Thomas's death, have been

prie le dit William a nostre seignour le Roi qil puisse avoir sa commune soutzdit.

A nostre seignour le Roi et a sa conseil moustre William le fitz Bernard de Bergh que la ou il tient quatre bovez de terre ove les aportenaunz en Lokton denz sa seignourie de Pikering, en quele ville est un leu qui est nome Hollecoumbe, en quel leu lui et ses auncestres, tenaunz de la terre avaunt dite, deivent et soleient communer ove totes maneres de bestes en totes les sesons del ane comme aportenaunt a la terre avaunt dite ; et le queu leu de Hollecoumbe est ore en la mayne nostre seignour le Roi apres la morte le Counte de Lancastre ; et le dit William de sa commune en le dit leu est destourbe. Par quei le dit William pri a nostre seignour le Roi qil puisse, si lui pleise, la dite commune avoir comme ses auncestres devant lui avayent.

Ad istas duas peticiones assignentur certi fideles ad inquirendum super contentis in peticione veritatem, et retornata inde inquisitione fiat ei in Cancellaria justicia.

Ancient Petition, N<sup>o</sup> 7,391.

A nostre seignour le Roi et son Conseil pry Alayn, fuiz et heire Roger de Wrelton, qe la ou le dit Roger morust seisi en son demeyn comme de fee et de droit de quatre tufes et quatre boves de terre ove les apurtenances en Lokton en Pykerynglyth, semblent ove la foresterye de Pykeryng en fee au diz tenemenz apurtenanz, les queux tenemenz semblent ove la foresterye le Cunte de Lancastre par sa

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in the King's hands, and the Rector prays that he may have his common.

The petition of William, son of Bernard de Bergh. He holds four oxgangs of land, with the appurtenances, in Lockton, within the Lordship of Pickering, in which township there is a place called Horcum, where he and his ancestors while holding the land mentioned and as appurtenant thereto ought and were wont to common with all manner of beasts at all seasons of the year. Horcum, since the Earl's death, has been in the King's hands, and William has been prevented from commoning. He prays that he may be permitted to do so as his ancestors had done.

Certain of the King's subjects are to be appointed to inquire as to the truth of the matters complained of in these two petitions, and when the inquisition is returned justice must be done.

A Petition to King and Council of Alan, son and heir of Roger de Wrelton. Roger died seised in fee of four tofts and four oxgangs of land with the appurtenances in Lockton in Pickeringlyth, which appurtenances included the forestership in fee of Pickering. All this

seignourye ocupa apres la morte le dit Rogier, issy qe le dit Alayn suy son droit siavant comme lay de terre poait suffire, et le droit le dit Alayn trove par bon enqueste pris en le Wapentake de Pykering par les baillifs le dit Cunte, et le dit Alayn unqes par nulle manere de sute a son droit poait attayndre, de quay il pry grace et remedy.

[Endorsed] Mostre au Chaunceler ceo qil ad de ceo et le Roi seit certefie.

Coram Rege Herlaston.\*

Thomas Ughtred et H. de Burgh, John de Kylvynton.

Ancient Petition, N<sup>o</sup> 3,430.

A nostre seignour le Roi et son conseil mo[ustre . . . ]† chapeleyn Labbe de Ryvaulx qe come Labbe Johan de Reynton son predecessour en lan du regne piere nostre seignour le Roi vintisme par commandement nostre seignour le Roi qore est et de son conseil, et puis sovent en temps nostre seignour le Roi qore est par lui et par son conseil, feust charge daler en Escoce od autres bones gentz a ceo assignez pur tretteer et finalement faire les choses contenue en lour Commissiouns, et pur ceo qe le dit Abbe Johan se hasta taunt par commaundement nostre seignour le Roi en alant et retournaunt a nostre seignour le Roi a Loundres et aillours, issint qil perdist touz ses chyvaux, nostre seignour

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Earl Thomas seized by right of his superior lordship after the death of Roger, and though Alan sued for his rights according to the law of the land, and though a verdict was given in his favour in the Wapentake Court of Pickering in an inquest taken by the Earl's bailiffs, yet by no manner of suit can he enforce his rights, wherefore he prays redress.

Let him petition the Chancellor, and let the result be certified to the King.

A Petition to King and Council of the Abbot of Rievaulx.

His predecessor, John de Rainton, in the year 1327, and often afterwards, at the order of the present King and the Council was directed to proceed to Scotland with other good folk as commissioners of peace.

The Abbot made such haste in executing the King's orders, both in going there and returning to the King in London and elsewhere, that he lost all his horses. So the King ordered Sir Robert de

\* During the latter part of the reign of Edward II. William de Herlaston, who was at one time a clerk in chancery, constantly had the temporary custody of the great seal, *see* Parliamentary Writs *passim*, in which also we find Hugo de Burgh about the same time acting as attorney for the Abbot of St. Mary's, York.

† Torn.

le Roi comanda a *Sire Robt de Wodhous\** adonques *Gardeyn de la garderobe* qil liverast au dit Abbe Johan treis chyvaux henners en allowaunce de ses chyvaux issint perduz en son service, pur queux chyvaux sont ore demandez hors de la Pipe de Leschequer quaraunt mars, auxicome le dit Abbe Johan les eust resceu de achat, dont le dit Abbe qore est prie qil soit descharge pur Dieu et en allowaunce del graunt travail, despenses et diligence qe le dit Abbe Johan son predecessour fist en tiel manere par comandement nostre seignour le Roi et son conseil avantdit.

[Endorsed] Pur ceo qil est tesmoigne devant le Conseil qe le dit Abbe perdy plusurs de ses chivaux en le service le Roi et qe le dit Roi qore est lui dona les ditz trois chivaux de son doune en restorance de ses chivaux, soit mande a Tresorer et Barons del Eschequer qils sursissent de la demaunde qils font au dit Abbe par la cause avantdite et lui facent ent quite et descharge.

Ancient Petition, N<sup>o</sup> 8, 109.

(Parl. Pet. A.D. 1330. N<sup>o</sup> 77.)

A nostre seignur le Roy et a son conseil priont ses liges gentz du Vale de Piking, qe desicome nostre seignur le Roy, pierre nostre seignur le Roy qi ore est, et auxint nostre seignur le Roy qi ore est par commune assent des toutz les Piers de la terre granteront qe touz les

Woodhouse, then Keeper of the Wardrobe, to deliver to the Abbot three† horses, as compensation for the horses lost in the King's service; but now a demand has been made out of the Exchequer for £26 13<sup>s</sup> 4<sup>d</sup>, the price of the horses, as soon as the Abbot John had received them.

Wherefore the Abbot prays, for God's sake, that he may be discharged in compensation for the great trouble, expense and diligence incurred by the Abbot John at the order of the King and Council.

[Endorsed] Since it is proved to the Council that the Abbot lost several of his horses in the King's service, and that the King gave him the three horses in compensation for those lost, the Treasurer and Barons of the Exchequer are directed to cease from their demand, and to acquit and discharge the Abbot.

A Petition to King and Council of the King's subjects in the Vale of Pickering. Both Edward II. and Edward III., with the assent of the Peers of the Realm, conceded that all the forests in England

\* The words in italics are filled in with other coloured ink in blanks left for that purpose. Robert de Woodhouse was keeper of the wardrobe temp. Edw. III.

† I cannot suggest a meaning for *henners*, or *heuuers*. It might be formed from *hernoy*s, *harness*, and mean *accoutred*; or, again, there is a word *haunieck*—*Flemish*.

Forestes dengleterre feussent chivachez et qe Purale se fait partut, auxibien des anciens demeins come des forestes nostre dit seignour le Roy ; pleise a nostre dit seigneur le Roy et a son bon conseil ordeiner qe la foreste du dit Vale de Pykering qe est de lancien demeyn et de la Corone, soit auxibien chivauche et purale fait come sont les forestes nostre dit seigneur le Roy et come la dite foreste de antiquite soleit estre quant ils furent en les mains les progenitours nostre dit seignour le Roy, desicome lei ne reson ne voet qe nuls des Piers de la terre soit plus esparni qe le Roy mesme ne est.

[Endorsed] Soit ceste peticion mande en Chaucellerie et la soit fait bref a faire venir le Counte de Lancastre devant le Roi a certain jour a moustrer purquai la Purale ne doit estre faite en ceste foreste de Pikeryng auxi come en autres forestes.

Ancient Petition, N° 7, 193.

A nostre seignour le Roy e a soun conseil prient le povers gents de sa terre si li plect qil voille avor regard de lur estat endreit des Counseillers, seneschals, baillifs e autres ministres qe furent ove Sire Thomas jadis Counte de Lanastre qe menerunt le people en graunt angusse par prises e en autre manere tortenousment e tresterent les tenaunts nostre seignour le Roy denz la fraunchise le Counte par poer, e leverent de eus servise e custumes avaunt dues al Roy, e moldes autres torts firent ausi bien a nostre seignour le Roy com al pople, qe

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should be ridden and perambulation made everywhere, as well in lands of ancient demesne as in the King's forest. May, therefore, the King and Council be pleased to decree that the Forest of the Vale of Pickering, which is ancient demesne of the Crown, may be ridden and perambulated as other of the King's Forests are, and as the Forest itself of old used to be when it was in the hands of the King's ancestors, since it is neither law nor reason that the Peers of the Realm should be more spared than the King himself.

Let this petition be sent to the Chancellor, and let the Earl of Lancaster be summoned before the King by writ on a certain day to show cause why the perambulation should not be made in Pickering Forest as in other forests.

A Petition to King and Council of the poor folk of the realm.

May they please to take into consideration their condition with regard to the Councillors, stewards, bailiffs, and other officers who were with Sir Thomas, late Earl of Lancaster, who brought the people into great distress by their seizures and in other wrongful ways, and afflicted the King's tenants within the Earl's liberty by their power, and levied from them services and customs formerly due to the King,

ben serra trove quel heure qil plect a nostre seignour le Roy a tel ordeynner ses Justices, dount il prient a nostre seignour le Roy pur son profist de meyen e pur relevacion de son poplee, qe teles maners des seneschals e baillifs ne soient recounseillez de Court ne mys en offiz, taunke lur estat soit trie par pays, kar taunke il sount si ben de Court e ount tel a dos il entendent nostre seignour le Roy de eus mesmes saunz recoverer.

[Endorsed] Rex\* habebit avisamentum super contentis in peticione.

Ancient Petition, N<sup>o</sup> 1,860.

A nostre seignour le Rey e soun counsaille demoustrer Roger le Carecter le seon burgeys de Schardeburgh, de ceo ke il avoit une nef ad sun service en Gasconye sur ses coustages pur tote la comunaute de Scardeburgh, la quele nef perdist ancras e cables e autre atil ke a le avaunt dite Neef apendeyt a la mountaunce de xxx livr, de la quele perte la avaunt dit comunaute ne ly voit ren restorez, de quoy il prie agrac e ke il ly volie graunter sun bref as baillifs e as prudeshommes de la vile ke eus ly facent ses damages restorez par contribucyoun entre eus, de sicum il saverat renablement moustrer devaunt eus ke par encheson cele damage ly est escheu e perte.

[Endorsed] Mandetur ballivis et probis hominibus quod faciant contribucionem sicut fit in aliis locis maritimis consimilibus etc.

and committed many other wrongful acts as well against King as people, which will certainly be discovered whenever it please the King to direct his Justices to hold an inquiry. Wherefore they pray the King, for his own profit and for the relief of his people, that such stewards and bailiffs be not employed by the Court, nor put in office until their condition be examined by a jury of the country, for so long as they stand so well at Court and have it at their back, they practise upon the King without redress.

A Petition to King and Council of Roger the Carter, burgess of Scarborough. He provided a ship at his own cost on behalf of the commonalty of Scarborough for the King's service in Gascony, which ship lost its anchors, cables and other fittings to the value of £30, but the commonalty would not contribute to the loss. He therefore prays that a writ of contribution may be directed to the bailiffs and great men of the town, since he can prove before them the damage which he has suffered by this loss.

[Endorsed] Let the bailiffs and great men of the town be directed to make contribution, as is the custom in other like seaport places.

\* The later form of this, *le Roy se avisera*, came in time to mean that the King declined to assent to the petition.

Ancient Petition, N<sup>o</sup> 2,262.

\*A nostre seignour le Roi et a son conseil moustre Labbe nostre Dame Deverwyk qe come li et ses predecessours ont eu la disme de veneson de les forestes denz le Contee Deverwyk, qiquei veneson print denz les dites forestes, du doun le Roi Henri le secunde, progenitour nostre dit seignour le Roi, et nadgeirs Sire Johan de Crombwell adonkes gardein de la foreste de la Trente par procurement des ministres de la foreste de Galtres suist par peticion en parlement tenu a Everwyk lan du regne nostre dit seignour le Roi secunde qe pur la† . . . et descharge de la dite foreste de Galtres Labbe Aleyn, predecessour le dit Abbe, eust la veneson de la foreste de Spa[unton en] eschaunge pur la disme de veneson de la dite foreste de Galtres, sauve a nostre seignour le Roi la venue des gardeins d[e la] foreste et la forfaiture des trespassours de veneson, si le dit Abbe Alein se vouist assenter. Par quoi une enqueste [fut] prise par bref ad quod damnum etc et returne en la Chauncellerie, sur quele enqueste nostre dit seignour le Roi enfourme [. . .] ment de son conseil au tretice tenue a Everwyk lan de son regne suisdit, graunta par sa chartre au dit Abbe Aleyn la veneson de la dite foreste de Spaunton en la fourme susdite a terme de v aunz, parmi quel eschaunge le dit Abbe pur la defaute de sauvagine que rarement repairent en la dite foreste de Spaunton, nadmy resceu profit de veneson a la mountaunce de la disme de la dite foreste de Galtres par grand partie pur le temps avantdit. Dount le dit Abbe prie a nostre seignour le Roi qil puisse reavoir la

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A Petition to King and Council of the Abbot of St. Mary's, York. By grant from Henry II. he and his predecessors have had the tithe of venison of the forests within the County of York whoever took the game; but lately certain officers of the Forest of Galtres as attorneys for John de Crombwell, then Keeper of the Forests north of the Trent, petitioned the Parliament held at York in the year 1329 that the Abbot Alan, a predecessor of the present Abbot, might have, if he would agree to the arrangement, the game in Spaunton Forest in exchange for the tithe of venison in Galtres Forest, saving to the King the visits of his Keepers of the Forest and the fines from poachers.

An inquest was taken by writ of ad quod damnum and returned into the Chancery, upon which the King at the Treaty of York granted by deed to the Abbot the game in Spaunton Forest for five years; but the Abbot has not received as much profit from the game which but rarely repair to Spaunton Forest as the tithe of the Forest of Galtres would during that time have amounted to. Wherefore the

\* Compare Vol. II., N.S., pp. 266, 268.

† Slightly torn in places.



disme de veneson de la dite foreste de Galtres, ou avoir la veneson de la dite foreste de Spaunton perpetuelment a lui et a ses successours en la fourme susdite e en recompensacion des damages queux le dit Abbe ad eu, et il et ses successours purront avoir apres ces heures parmi cel eschaunge sil se face, qil eit congee de nostre seignour le Roi de purchacer\* xx livres de terre hors de son fee.

[Endorsed] Eit la veneson de la dite foreste de Spaunton a terme des autres cynk aunz.

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Abbot prays the King that he may have again the tithe of the Forest of Galtres, or else that he may have the game in the Forest of Spaunton for ever, and that as a compensation for the damage which he has suffered that he may be permitted to purchase land outside his fee to the value of £20.

[Endorsed] He may have the game in Spaunton Forest for a further term of five years.

\* A statute against Mortmain had been passed in the year 1344, and was being vigorously enforced.



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